Jackie Wang

Carceral Capitalism

semiotext(e)
intervention
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SEMIOTEXT(E) INTERVENTION SERIES

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For LaKeyma and Emilie

All power to the feminist sleepover!

Racial capitalism is the equivalent of a giant necropolis. It rests on the traffic of the dead and human bones.

—Achille Mbembe

Introduction

This project began before it began, more than five years ago, when I wrote an essay titled "Against Innocence." That was before the Black Lives Matter movement, during a time when taking an antipolice position was often considered scandalous, even in some leftist circles. It was a period of frenetic political activity and thinking. Inspired by the "movement of the squares"—by Occupy Wall Street and the global wave of revolts—many of us partook in intense collective experiments with each other. By cooking and sharing food, starting art and mental health collectives, supporting prisoners, starting queer and people of color intentional communities, bootlegging and circulating inspiring essays, occupying buildings and public spaces, politicizing our understanding of friendship, and engaging in other cooperative activities, we suffused desire into our practices and moved politics beyond the compartmentalized realm of "organizing" and into our daily lives. These were political experiments, yes, but also experiments in creating new modes and rhythms of being and material social networks rooted in the reproduction of everyday life.

The event that launched this global wave of uprisings and politicized many people of my generation was the Arab Spring, and the Occupy movement that followed it. But what began as the Arab Spring has, in the intervening years, devolved into chaos and become the proscenium on which global powers use proxy warfare to flaunt their military might. A moment of possibility has since turned into six years of civil war in Syria; the economic and political implosion of Egypt, Libya, Yemen, and other nations; the revival of Russia as a global military power; and a so-called "refugee crisis" that has sparked reactionary movements across Europe and is galvanizing support for fascist, neofascist, populist, and ultra-racist right-wing parties.

At the time, it seemed possible to topple governments by assembling in squares, to collectively plan our futures through the people's mic and consensus

decision-making process. Some believed the revolution could be carried out through the Twitter hive mind and calls to action issued on Facebook. When the Occupy movement took off in the United States, analyses of the structural role of the police—to maintain white supremacy and capitalism—were pushed to the margins. Many argued that the police were friends of the protesters, that they were oppressed as workers and thus should not be treated with hostility and suspicion. But everywhere across the United States it was the police who evicted the Occupy encampments, often raiding the makeshift camps in the middle of the night, demonstrating once again that as soon as the status quo is threatened, the police will be used as an instrument of political repression.

So much has changed since that moment—in both positive and negative directions, for the world is always moving in multiple directions. Since I began this project, I have watched the birth of the Black Lives Matter movement, which has radically transformed how racism is conceived and contested. While attending a packed panel at Harvard University on Ferguson and the history of the Civil Rights Movement, the comments of the panelists and the audience made me aware of just how much has changed in a little over half a decade. I knew that the discursive terrain had been completely transformed when I listened to the rapper Tef Poe tell the Harvard audience—to great applause—that flipping cop cars was a legitimate form of protest. Mainstream magazines and news outlets such as *Time*, *Rolling Stone*, MTV News, and *The Nation* also ran stories validating rioting as a protest tactic in the wake of the riots and police killings that took place in 2014–15 in Baltimore, Ferguson, Oakland, and other cities.

Before the Ferguson moment and the Black Lives Matter movement I felt compelled to write "Against Innocence" as a response to what I felt was a discursive and political impasse—that is, liberalism's stranglehold on how we understand both the nature of racism and which tactics are legitimate to counter racism. As someone who has extensively researched and is personally affected by mass incarceration, I know that in the United States, blackness is associated with guilt and criminality. Though this conflation has been around for more than a century—as Khalil Muhammad notes in *The Condemnation of Blackness*—in the 1960s–'90s criminologists, politicians, and policy makers worked vigorously to consolidate the image of the black criminal in the public imagination. For this reason, it seemed counterproductive to construct an antiracist politics founded on the moral framework of innocence, whereby

only "respectable" subjects are considered proper symbols for the contestation of racism. Such a political framework would ensure that forms of structural and state violence against those who are not "proper" victims would remain illegible and fail to register as a scandal. The a priori association of blackness with guilt and criminality comforts white America by enabling people to believe that black Americans are deserving of their condition and that the livelihoods of whites are in no way bound up with black immiseration. At the same time, the framework of innocence—which fetishizes passivity—delegitimizes militant forms of revolt that may be more potent in actually challenging racism. Though the liberal antiracist framework has not been completely dismantled, I feel that the new, younger generation of activists are not so easily beguiled by the political establishment and the promise of state recognition—unlike those who just a few years ago quixotically held to the belief that it was possible for revolutionaries and the police to be bedfellows.

Not only did the Ferguson Uprising make the public acutely aware of just how constitutively racist the police are, it also attracted enough attention that the Department of Justice (DOJ) launched an investigation into the practices of the Ferguson Police Department. The investigation ultimately revealed the existence of a system of municipal plunder involving the city financial manager, John Shaw, and the police department. The DOJ discovered that not only were the police killing and harassing residents, but the city was also using the police and the courts to generate revenue to balance the municipal budget. After reading the report and researching this topic, I began to pay closer attention to news stories related to municipal and state finance. I realized that across the country, municipalities and states were increasingly dependent on the use of coercive extractive mechanisms that squeezed the people on the bottom for cash. What the fuck was going on?

For me, these methods of extraction mark a turning point in what some have called the neoliberal era. Neoliberalism has been defined as:

> a set of policies and ideological tenets that include the privatization of public assets; the deregulation or elimination of state services; macroeconomic stabilization and the discouragement of Keynesian policies; trade liberalization and financial deregulation; a discursive emphasis on "neutral," efficient, and technical solutions to social problems; and the use of market language to legitimize new norms and to neutralize opposition.[1]

Nearly half a century of economic policies that have eroded the power of labor and enabled a high degree of capital mobility has not only resulted in a fiscal race to the bottom that has gutted the tax base in this country, but has also transformed the nature of governance itself. If—to borrow Wolfgang Streeck's taxonomy—the *tax state* (i.e., the postwar Keynesian welfare state) has evolved into the *debt state* (which authorizes austerity), then what we are witnessing now is the emergence of the *predatory state*, which functions to modulate the dysfunctional aspects of neoliberalism and in particular the realization problem in the financial sector. Modern monetary theorists assert that governments with fiat currency systems (which the U.S. became when President Richard Nixon took the country off the gold standard in 1971) do not need to raise revenue to cover government spending, as they are the monopoly issuers of their respective currencies. However, this is not true for U.S. states and municipalities, as they are unable to issue the U.S. currency, nor can they function by arbitrarily raising their debt ceilings. States and municipalities must either issue bonds (and continue to make payments on their debts) or find a way to raise revenue. Although states cannot file for bankruptcy, municipalities can file under Chapter 9, Title 11 of the United States Code. Depending on the laws of a given state, some municipalities can use bankruptcy to discharge their pension obligations. During the Detroit bankruptcy, the bankruptcy lawyer Timothy M. Wittebort appeared on television touting the widely held (false) myth that *ordinary people* own the public debt, and thus investors should be given equal priority to pensioners. In reality, between 1989 and 2013, household holdings of municipal bonds have fallen from 4.6 percent to 2.4 percent, and in 2013 the top 0.5 percent of the wealthiest households owned 42 percent of all municipal bonds.[2] The question of who owns the public debt is a political one that enables the financial sector and the wealthiest Americans to assert their interests by claiming that they are *everyone's* interests. As the public debt is financialized and the money to cover government expenditures is increasingly supplied by the financial sector, government bodies become more accountable to creditors than to the public. Over time, this has a de-democratizing effect.

In short, the outcome of neoliberal policies and federal fiscal retrenchment has been not only privatization and austerity, but predatory and parasitic governance on the state and local levels and indebtedness as a generalized

social condition. Increasingly, local governments are engaging in risky forms of borrowing, making high-risk financial bets with public money. When these deals go south—as many of them did in the wake of the 2008 financial crisis—governments have sought to balance the budget on the backs of the poor, the unemployed, and black and brown people. Since tax codes are designed such that corporations and wealthy people can easily evade taxation, when the housing market collapsed in 2008, local governments lost a substantial portion of one of their key revenue streams: property taxes. Recently the city of Miami, Florida, sued the Bank of America for indirect financial harm caused by discriminatory subprime mortgage lending, which targeted black and Latinx borrowers for high-interest loans that were designed so that the borrowers would default.

By examining recent political developments, we can uncover the interrelatedness of the economy, policing, and municipal finance: the collapse of the housing market created a global economic crisis, which led to the loss of revenue for municipalities, which catalyzed the creation of municipal fiscal schemes that used the police to plunder residents. But given that local law enforcement officers are bankrolled by municipalities, wouldn't their existence be threatened by this new fiscal situation? Although under neoliberalism the power of labor has been weakened in both the public and private sector, police continue to operate with bloated budgets and collect generous pensions. Indeed, in recent years, police unions (and sometimes firefighter and prison guard unions) are among a meager handful of unions that have actually fared well. When Wisconsin governor Scott Walker rewrote state labor laws and dismantled collective bargaining rights, he protected police and firefighter unions and excluded them from state pension cuts.

Although financing the security apparatus remains a priority of local governments, revenue shortfalls have still put pressure on local police departments. In *The Police Chief* magazine, Paul LaCommare—a commander from the West Covina Police Department—opens an article about using the police to generate new revenue streams with the observation that a "downward spiral in California city governments' revenue streams has occurred for the last five years starting with the housing bubble that burst property tax returns by 40 percent." He goes on to note that the "common reaction to a budget crisis is reducing personnel and cutting services. The focus of this article is to provide police agencies with an alternative to personnel and service

reductions."[3] In 2008, "experts in the fields of city government, business, real estate, and entrepreneurship" met to "identify possible new income streams that could be initiated by law enforcement." The ideas include:

> fees for sex offenders registering in a given jurisdiction, city tow companies, fine increases by 50 percent, pay-per-call policing, vacation house check fees, public hours at police firing range for a fee, police department–run online traffic school for minor traffic infractions, department-based security service including home checks and monitoring of security cameras by police department, a designated business to clean biological crime scenes, state and court fees for all convicted felons returning to the community, allowing agency name to be used for advertisement and branding, triple driving-under-the-influence fines by the court, resident fee similar to a utility tax, tax or fee on all alcohol sold in the city, tax or fee on all ammunition sold in the city, public safety fees on all new development in the city, 9-1-1 fee per use, police department website with business advertisement for support, selling ride-a-longs to the public, and police department–run firearm safety classes.[4]

Many of the ideas offered above, which represent a move toward offender-funded policing and punishment, incentivize the hyper-exploitation of residents by the police by directly monetizing policing or by using fees and fines to squeeze money out of people who come into contact with police. Places such as Ramsey County, Minnesota, have recently come under fire for charging a range of fees for arrest, regardless of a guilty conviction. As this article suggests, in the new fiscal environment, police are increasingly taking on the role of directly generating revenue, which ensures that their departments do not suffer extensive budget cutbacks and layoffs when there are municipal revenue shortfalls. In other words, their survival and expansion becomes bound up with their capacity to use the police power and the court system to loot residents. As we have seen with the explosion of prisons in the latter half of the twentieth century (which occurred alongside market liberalization), the supposed scaling back of government does not necessarily lead to the shrinking of police, prisons, and military spending. Prisons and law enforcement may actually grow when the ideology of small government is hegemonic because the maintenance of law and order is considered the proper (morally authorized) domain of government. For Bernard E. Harcourt, neoliberal penality is rooted in "the assumption of government legitimacy and competence in the penal arena and, on the other hand, the presumption that the government should not play a role elsewhere."[5] However, the collapse of the tax state owing to neoliberalization has created a situation where the

livelihoods of local government bodies are increasingly tied to predatory fiscal structures that foster looting.

Although it's important to analyze the economic conditions that have been driving contemporary police practices, an analysis of prisons and police that solely focuses on the political economy of punishment would be incomplete. There are gratuitous forms of racialized state violence that are "irrational" from a market perspective. From an economic perspective, the new sentencing regime that emerged alongside the War on Drugs—such as three strikes laws for drug possession—make little economic sense: Why waste an exorbitant amount of public money on incarcerating nonviolent offenders, sometimes for life? If you analyze the situation from the perspective of the rural white Americans who benefit from the creation of prison jobs that accompanies the expansion of prisons, then there is an economic rationale. However, this lens, in itself, is not sufficient to explain many facets of mass incarceration, including the mandatory juvenile life without parole sentencing regime that was codified in law in the mid-1990s. In my essay "'Packing Guns Instead of Lunches,'" I examine the interplay between criminological discourse, biopolitics, and law.

I wrote this essay on the criminalization of juveniles right before Black Lives Matter activists disrupted a rally for Hillary Clinton. The young activist Ashley Williams interrupted a fundraising event for Clinton in Charleston, South Carolina, and asked why Clinton used the term "superpredator" in a 1996 speech to rally support for Bill Clinton's 1994 crime bill. While the law-and-order political climate of the 1980s and '90s made it difficult for politicians to get elected without espousing a tough-on-crime stance, the political climate has changed such that the exposure of Clinton's past use of the "superpredator" rhetoric was an embarrassment during her recent presidential campaign. On the issue of mass incarceration and punishment, it seemed, for a moment, that the tide was turning. Support for the War on Drugs has been waning, and drug use has been reframed as a public health problem, perhaps because opiate drug addiction has made incursions into white America. Given the structural barriers that prevent white Americans from feeling empathy toward black Americans, it's not surprising that draconian policies that criminalize drug use are being scaled back now that drug use is also a "white problem." Prior to the election of Donald Trump, it also appeared that the U.S. was becoming less punitive. Not long before Trump's election, the Pew

Research Center released a report stating that public support for the death penalty was the lowest it's been in forty-five years: in 1994 it was 80 percent, in 2016 it was at around 49 percent.[6]

Then, during the 2016 election, we saw a dramatic pivot toward punishment. All three states with death penalty referendums voted in favor of capital punishment: California and Oklahoma voted to keep the death penalty on the books while Nebraska voted to reinstate it. This was not surprising given that the Pew survey also found that men and white people were more likely to support capital punishment—also the demographic that was rallied by Trump. With the election of Trump and the selection of Senator Jeff Sessions for the position of attorney general, the situation does not look promising for those of us who have been fighting for the abolition of prisons and police. During his inaugural address, President Trump, drawing on the tough-on-crime politicospeak of yore, painted a bleak picture of American cities: our streets, he claimed, are ravaged by crime, "carnage," and lawlessness. He vowed to support law enforcement and revive America; overall, his rhetoric suggests that under his presidency there will be a reinvigoration of the War on Crime and the War on Drugs.

The day I posted my essay on juvenile life without parole (JLWOP) sentences on my blog, the U.S. Supreme Court determined, in the court case *Montgomery v. Louisiana*, that the decision reached in *Miller v. Alabama* (which rendered *mandatory* JLWOP unconstitutional) applies retroactively.[7] These Supreme Court rulings still leave open the possibility of judges sentencing juvenile offenders to life without parole; they merely stipulate that judges must consider the juvenile status of the offender during sentencing. However, these rulings have created a legal gray area that has led many states to grant resentencing hearings to those given JLWOP, including my older brother. It is too soon to tell if these Supreme Court decisions will result in reduced sentences for juvenile offenders. In Florida, where my older brother is currently in prison, many of those serving JLWOP sentences have been resentenced to life (my brother took a deal for forty years). For a moment it seemed possible to imagine that even discretionary JLWOP sentences would be abolished by the Supreme Court, but now, with a newly conservative federal Supreme Court, this possibility is quickly receding. Without a revolution or a

mass street movement, even the nominal legislative progress that has been made to scale back mass incarceration is at risk of being undone.

Sunbelt Penology

Much of my thinking about juvenile sentencing emerged from having to navigate the legal quagmire of my brother's case in Florida. As someone who was formed in the crucible of Florida, I now see that Florida embodies the nexus between neoconservative policy, social disinvestment, and prison expansion. Florida is at the forefront of what Alex Lichtenstein calls "Sunbelt penology": a penal ideology that emerged in the South but has become paradigmatic across the nation. He labels the region that most vigorously adopted this penal model "Flocatex" after Florida, California, and Texas ("the three largest carceral systems in the nation"): "In the half century since the passage of the LEAA [Law Enforcement Assistance Administration], by nearly any measure—total numbers of prisoners, expenditures on corrections, employment of personnel, privatization of prisons, and new prison construction—the states of Florida, California, and Texas (what I will call Flocatex) have set the pace for mass incarceration nationally."[8]

The dual processes of social disinvestment and prison expansion were palpable during the years I spent in Florida (from birth until I was twenty-two). While residing there, I attended public schools and a public liberal arts college, New College of Florida. In national surveys the Florida public school system consistently ranks in the bottom 25 percent on measures such as graduation rates, teacher pay, test scores, education spending, and so forth. When the education budget was cut under Jeb Bush, I have a vivid memory of my middle school teacher announcing that there were not enough textbooks for every student, that we would have to leave our textbooks in our desks so they could be shared with students throughout the day (making it impossible to study at home). My classes were overcrowded, many of them held in "portables," which are essentially mobile home–style classrooms that were unsafe, given Florida's vulnerability when it comes to hurricanes. Like many other states across the country, Florida's fiscal policies favored investment in prisons rather than in education and social programs. As Lichtenstein notes, "Since 1995 Florida has opened eleven major new correctional facilities, six of

them run by private corporations."[9] Annually the state spends about $2.3 billion on corrections, and about 16 percent of state employment is in corrections.[10] A 2016 brief from the U.S. Department of Education notes a similar trend across the country: "Over the past three decades, state and local government expenditures on prisons and jails have increased about three times as fast as spending on elementary and secondary education. At the postsecondary level, the contrast is even starker: from 1989–90 to 2012–13, state and local spending on corrections rose by 89 percent while state and local appropriations for higher education remained flat."[11]

Before I was able to disentangle the political, economic, cultural, and racial forces that were shaping my context, I could feel their effects. Florida's postsecondary education fiscal policies were such that the public college I attended as an undergraduate was chronically at risk of going bankrupt. I was halfway through my bachelor's degree when the 2008 financial crisis hit, and Sarasota was one of the cities hit particularly hard by the collapse of the housing market. Many of the students I knew who were living off campus, including myself, were living in rooms rented in houses that were underwater —houses that were overvalued and purchased with mortgage loans that eventually became unpayable. Our landlords had stopped paying their mortgages, and foreclosure notices were delivered directly to our doors. During the crash I was also working at the front desk of the cheapest motels in Sarasota: the Seabreeze Inn and the Super 8 (at the time, a room at the Seabreeze Inn cost $26 a night). Many of the people who came to the motels were transitioning from living in suburban houses to homelessness. The people who rented rooms shared stories of their fall from grace: "I used to have a nice home and a great job," they'd say. "Then … I lost everything." But what was it, exactly, that caused the foundation of their lives to collapse beneath them? My high school best friend's mom, who was a real estate agent, would always boast about how much she was raking in selling so many half-million-dollar suburban homes. Now she was out of a job too. I was twenty during the financial crash, and I barely understood what was happening around me, but these experiences left a deep impression on me. Because Florida had been hit so badly by the collapse of the housing market, as soon as I graduated, New College of Florida was on the brink of bankruptcy owing to state budget cuts. Scholarship funding provided by the state (such as the Bright Futures

Scholarship, which most NCF students depended on) was scaled back, and some of my friends who graduated after me were forced to pay the state thousands of dollars when the state decided to change the rules about how its scholarship funding would be calculated. Now the school is again facing a budget crisis under Governor Rick Scott, who has chosen to allocate funding to universities and colleges based on how many students they placed in STEM jobs in the state of Florida (NCF is a graduate feeder school, so this metric of "success" hardly applies).

Even though I did not have a deep structural understanding of the conditions of my life at the time, the experiences of having a brother in prison, going through the meat grinder of Florida public schools, and witnessing the financial crash as a motel worker, enabled me to acquire an observational understanding of the interplay between the debt economy, neoconservative fiscal policy, mass incarceration, neoliberal market deregulation, and social disinvestment.

The Debt Economy

Because I attended an in-state public school, worked, and received a scholarship and need-based Pell Grant, I am one of the lucky few students who was able to graduate without student debt. Even so, it has been impossible to escape the debt economy. When I was working at a grocery store for $5 and change an hour during high school, I would sometimes chat with the baggers about their life plans. One of the boys who attended my high school asked me if I had plans to go to college. I said that although two of my friends tried to coax me into attending Sarah Lawrence College, I ultimately decided to go to New College of Florida because I did not want to be financially fettered after college. He asked me if I would take out student loans. I said that I didn't think it was necessary because I received a full scholarship, a need-based Pell Grant, and was eligible for work-study. He replied that I had to take out student loans, because "everyone takes out student loans." Here we were: naive teenagers working a minimum wage job in Holiday, Florida, ready to sign our lives and our futures away because we had been told that it's *mandatory* that we go into debt. My best friend, who got me the grocery store job—a Puerto Rican queer goth girl who worked exhaustive hours to buy a green Mustang sports car—was already buried in mountains of debt before she even entered

her twenties. Just as disheartening, I watched some of my little brother's friends go into debt trying to get degrees from sham, nonaccredited for-profit schools that later went bankrupt when Barack Obama tried to regulate the industry by barring such schools from receiving federal loans (schools such as ITT Technical Institute also aggressively advertised at my public high school).

At present, consumer credit has essentially become compulsory. In the last decade or so alone, I have observed a marked intensification of the intrusion of credit into our consumer lives. During our many daily economic transactions we are constantly barraged by opportunities to open a line of credit: Buying something online using PayPal? *Why not buy it on credit?* Need a pair of jeans? *Why not open a Gap credit card and save 10 percent on your purchase?* Opening a bank account? *Why not get "overdraft protection" (which is actually a line of credit)?* Need to exchange currency because you're traveling? *Why not sign up for a traveler's credit card?* Whenever I have a flight layover at an airport, I cannot walk from one gate to the next without being chased by people who want me to sign up for a credit card. Nowadays you don't even need to consent to opening a credit card in order for it to be opened on your behalf, as the Wells Fargo sham account scandal revealed.

When I politely decline an opportunity to open a line of credit, I am often given a moralizing speech about the necessity of building my credit lest I be barred from ever being able to get a loan for a car, a mortgage, or even rent an apartment. Why the hell is a sales quota model being applied to banking? What are they selling you? These financial institutions are selling you *indebtedness itself*, because borrowed money begets money in the form of *interest*. That is why the largest student loan collection agency, Navient Corporation, deliberately lost students' payments (as revealed in a recent class-action lawsuit): missed payments ensured that students' debt would balloon, thus keeping borrowers trapped in a cycle of debt. Thus, as growth in the "real" economy remains low, in our perverted debt economy, falsely categorizing borrowers as delinquent has become a financial opportunity in itself.

There is a kernel of truth in the speech given by the aggressive credit pusher who warns that to do many things in our society, you need to build your credit. Nowadays, credit scores have a number of often invisible effects on our lives. Credit scores (and even more dubious "e-scores" determined by private data mining companies) are often used for hiring purposes because employers believe that credit scores are a reliable way to index a person's level of

responsibility. Yet considering that medical debt is the most common cause of bankruptcy in the United States and that there are racialized structural barriers to accessing nonpredatory forms of credit, it is outrageous to use credit scores as a way to measure someone's personal character and make moralistic judgments about them. You could have a terrible credit score simply by being an uninsured black or brown person (without accumulated wealth) who gets into a bicycle accident. In short, using credit scores to punish poor people exacerbates already-existing socioeconomic inequalities.

Although the debt economy has expanded to buttress high levels of consumption amidst stagnant wages and the high-level unemployment that coincided with the financial recession that followed the 2008 crash, the hold that debt has over our lives is not merely numerical. It functions as a disciplinary apparatus as we internalize the ideology that naturalizes indebtedness. As I hope my anecdotes illustrate, we are, from an early age, socialized into a form of financial citizenship that compels us to accept indebtedness as inevitable and to constantly engage in self-disciplinary acts that authorize and extend the debt economy—whether it's pursuing a job as a corporate lawyer instead of a public defendant in order to pay off student loans or telling your peers they are irresponsible for not building their credit.

Prison Technology

Thus far I have offered some personal observations about discourse, law, and political economy, and how contemporary racism operates through these various forms of power. But a contemporary analysis of prisons, police, and racial domination would be incomplete without an analysis of technology and algorithmic power. The pace of change, especially when it comes to communication technology, is dizzying. In 2004, when my brother was locked up at age seventeen, he did not have an email address, almost never used the internet and—of course—did not have a smartphone, as they had not yet appeared. I did not even have a cell phone until I was a college undergraduate. I remember my brother once asking me in a letter from prison if it cost money to send emails. His question made me painfully aware that technologically speaking, we are living in two different worlds, moving through life at vastly different speeds, with different life rhythms. This sentiment is probably familiar to anyone who has a family member, friend, or

lover serving a lengthy prison sentence, for they too have probably had the heartbreaking experience of being questioned by the confined person about the minutia of how the world works and what it is like on the outside. Ashley C. Ford became aware of the technological distance between prisoners and free people when her father was released from prison. She writes:

> Stores were a lot for him. He didn't understand why everyone walked around looking down at their phones. He couldn't fathom what could be happening on the phone that kept them so entranced. I tried to explain that there were often other people to talk to or look at on phones. Sometimes those people were far away, or people they didn't even know. There were mostly no long-distance fees; there were photos and videos—basically the whole world could be on these screens. He thought about that for a minute and said, "But there are people all around right here. A lot of people we don't know. Why not just look at them?" I didn't have an answer to that.[12]

Furthermore, having a family member in prison not only gives me a depressing way to index how quickly the world is changing, it also makes me cognizant of how technology has transformed prison and police practices. At the county jail where my brother was housed while awaiting a resentencing hearing, he could use Jail Mail (essentially a paid email service) to communicate. Instead of sending stamps enclosed in a letter, I was able to deposit money in his account so he could write to me and others. While the introduction of this particular communication technology into this jail enables more immediate communication between inmates and people on the outside, other innovations in prisoner communication technology have simultaneously widened and collapsed the distance between prisoners and the outside world. In addition to Jail Mail, this jail has also introduced HomeWAV, a prisoner video chat system akin to Skype (albeit with extremely high usage fees). However, the introduction of HomeWAV has been accompanied by the phasing out of in-person nocontact visits. When I asked my mom how she feels about switching to digital visitations, she said, "I like it. I can show R. the dogs." True, my brother can now get a glimpse of the interior of our living spaces and meet the dachshunds my mom got after our family dogs died. Contraband cell phones (sometimes smuggled in by prison guards) are circulating more and more inside prisons, allowing inmates to engage in a range of activities from taking selfies to organizing national strikes.

However, what would happen if contact visits were completely phased out and supplanted by digital visits? Are all social relations undergoing a similar

transformation? As the introduction of digital communication services enables some cash-strapped states to scale back or phase out visitation hours, the prospect of prisoners no longer having any embodied contact with people on the outside worries me. Although I always dreaded the experience of waiting to be processed by the corrections administration only to be able to talk to my brother from behind a piece of glass, the phenomenological experience of entering a space of absolute non-freedom and social abjection makes the existence of prisons that much more real (rather than a fantasy *elsewhere*)—it even makes the task of abolishing prisons more morally urgent (and deeply felt).

Extension of the Carceral and the "Abolitionist" Society of Control

While the development of new communication technology has been a lucrative source of revenue for companies contracted by the state to provide services in prison, a question remains: Will prisons survive the government fiscal crises that are unfolding around the country? The promotion of the interests of prison guard unions, the companies that benefit from prison contracts, and stubborn law-and-order politicians will certainly extend the life of mass incarceration—but for how long? Since the 2008 financial crisis, states are becoming increasingly reluctant to bear the cost of housing prisoners. Many states across the country are facing impending budget crises that are exacerbated by the high cost of housing prisoners. One way to cut costs is to expand private prisons. According to Lichtenstein, in Florida, six of the eleven correctional facilities opened between 1995 and 2015 were operated by private corporations, putting Florida at the forefront of experiments that merge private interests and punishment. However, the budgetary strain of prisons has also led some states to put decreasing the prison population on their agendas. Following Obama and the federal government, states that have begun to reduce their prison populations have mostly prioritized so-called nonviolent, low-level drug offenders.

It is important to note that a decrease in the total number of people incarcerated does not necessarily mean that our society, on the whole, is becoming a less carceral one. As the War on Drugs loses legitimacy, attempts to decarcerate nonviolent drug offenders have sometimes been accompanied by an *increase* in punitivity for "violent" convicts, as it has become expedient for

politicians to increase the length of prison sentences for "violent" offenses to compensate for the shortening of sentences for nonviolent offenses (the reformist emphasis on nonviolent offenders can actually bolster the penal system, which is why prison abolitionists resist the violent-nonviolent dichotomy and have focused on challenging the prison system as a whole). In some places we are also seeing a pivot toward private reentry programs, private probation services, parole, and other forms of custodianship that involve surveillance and monitoring. It is possible that as technologies of control are perfected, carcerality will bleed into society. In this case the distinction between the inside and the outside of prison will become blurrier. It is even possible to imagine a future where the prison as a physical structure is superseded by total surveillance without physical confinement.

While writing this introduction, my hunch about the direction of our carceral society was confirmed by the cover story on a May 2017 issue of *The Economist*. GPS ankle bracelets, drug and alcohol monitoring bracelets, and other low-cost surveillance technologies have been proposed as a more progressive and humane alternative to physically housing prisoners. Quoting the New York University professor Mark Kleiman, the article notes that "Tagging can also be used as an alternative to locking up convicts—a 'prison without walls.'"[13] Although tagging and other surveillance technologies—which are already being used in many states—are usually discussed as an "everyone-wins" alternative (states save money, convicts have more freedoms), we may inadvertently be authorizing the birth of a more all-encompassing police state. It is possible that the surveillance technologies initially developed to use on prisoners—whether biometric identification technology or tracking devices—will one day be used on nearly everyone.

In chapter 2, an essay on municipal finance, I also argue that predatory police practices turn the space that is being policed into a carceral space. Not only do these practices turn entire jurisdictions into zones marked for looting, they effectively limit the mobility of mostly black residents and "box" them in a myriad of ways. Algorithmic forms of power—and predictive policing in particular—do this as well. Whether it is a covert municipal financial structure that authorizes plunder or an algorithm that generates hot spots on a map, invisible forms of power are circulating all around us, circumscribing and sorting us into invisible cells that confine us sometimes without our knowing.

Perhaps an invisible cell could be described as a carceral apparatus that does not control or confine populations by housing them in physical structures. It refers to the way that certain populations are constantly being categorized (put on algorithmically generated heat lists and watch lists), surveilled (think of Muslims in America even under Obama), demobilized (think of the residents of Ferguson, where hyper-policing made residents reluctant to leave their homes, as there was an average of three arrest warrants per household), targeted (think of how algorithms can identify poor people based on their internet searches and generate targeted ads for payday loans, for-profit colleges, and other scams), and managed (think of all the tiny ways our behavior is modified by invisible forces, such as the design of cities or monitoring by closed-circuit TV).

Algorithmic Policing and Predictive Analytics

With the explosion of data science and the increasing deployment of predictive policing software, we are now witnessing a transformation in the temporality of policing: policing is no longer primarily aimed at effectively responding to crime, but at *anticipating* and *preventing* it. This anticipatory element of policing has always been present, but until recently the judgment of the police officer was considered superior to that of machines. As self-learning AI systems are refined and our faith in machines and predictive analytics increases, we will relinquish more and more decision-making power to the algorithms. What are the chances a parolee will be a recidivist? Where should police patrol? Whom should the police be monitoring? Increasingly, these decisions are being made algorithmically, sometimes with software that analyzes police data to make such predictions.

While watching the documentary *Do Not Resist*—a film about the militarization of the police—I was struck by a comment made by Richard Berk, a predictive policing researcher and professor of criminology and statistics at the University of Pennsylvania, who said it would be possible to calculate the likelihood that someone will engage in criminal activity *before they are born*, presumably by analyzing family wealth and support, place of residence, race, and socioeconomic factors. (He explicitly supports the use of race to make crime predictions.) This comment made me think about my own situation. My older brother is serving a forty-year prison sentence while I am a

Ph.D. student at Harvard University. Statistically speaking, before being born, we'd have the same life outcome chances, but in actuality we occupy diametrically opposed positions in society: his being one of absolute social abjection (ward of the state), mine being one of high social prestige (on the path to receiving the highest educational degree at the richest school in the world). I offer this anecdote not as an underhanded endorsement of the myth of meritocracy, nor to support the notion of individual agency, but to draw attention to the impossibility of ever overcoming uncertainty and accurately predicting the future. Predictions are much more about constructing the future through the present management of subjects categorized as threats or risks. This is the point at which present tendencies in the credit economy overlap with the move toward predictive policing: in marking subjects as potential risks, they are actually produced as such. With the rise of risk-adjusted pricing, subjects who are targeted for subprime loans because they are in the high-risk pool (in that the creditor believes there is a high chance they will default on their loans) are tracked into loans that are impossible to pay and essentially guarantee failure. Similarly, when inmates seek parole and are denied because they received a COMPAS score marking them as at risk for recidivism, they are preemptively assumed guilty and thus are treated as such.

Even the supposedly simple tasks of predicting the outcomes of high-stakes referendums and elections have proved difficult. In the year 2016 we saw a number of outcomes that smashed not only our personal expectations but also all mainstream public predictions. During the months leading up to the Brexit vote, the newspapers consistently reported that although it would be close, it seemed almost certain that the U.K. would vote to stay in the European Union. During the vote, while I was hitchhiking around Iceland, my cell phone would sporadically catch a Wi-Fi signal and the Guardian app on my phone would send me push notifications with updates about the vote. On the night of the vote, I was staying in a hostel in Skógar when my phone must have picked up the patchy Wi-Fi signal at the hostel, for I received a notification right before going to sleep that preliminary results showed that the U.K. likely voted to stay. In the morning I received another push notification: the U.K. voted to leave the European Union. For me the vote marked a crisis in the neoliberal world order, which—prior to the election of Emmanuel Macron and the reelection of Angela Merkel—appeared to be unraveling before our eyes. It was the first major rupture in the psyche of liberals, who

were not only privately counting on the world continuing as is, but also had data science on their side to back their methods. Then the public's expectations were overturned again when Theresa May, expecting to pick up many seats in Parliament, called for snap elections to be held on June 8, 2017. Despite predictions that the vote would be in her favor, her party ultimately lost seats, along with their parliamentary majority. The next day, investors contributed editorials to the financial press bemoaning that the predictions were wrong again, which left investors not only scrambling to adjust to the new political context, but also existentially panicked about the uncertainty of the future. Wolfgang Munchau, an associate editor at the *Financial Times*, wrote, "In a world of radical uncertainty, gambles become harder because the information on which they are based is less trustworthy." Munchau calls on investors to acknowledge that we live in radically uncertain times:

> Radical uncertainty is a massive challenge, because you can never be sure of much. In particular, you can no longer be certain that you can extrapolate the trends of the past into the future. Opinion polls are becoming less relevant (even if they were able to produce a correct snapshot of opinion at any one time). Even ultra-modern tools like social network analysis cannot break through into an unknown future. The usefulness of these tools is confined to explaining what went wrong in the past.[14]

After Brexit, a second major rupture that plunged the globe into uncertainty was the election of Donald Trump. Even with advanced predictive analytics, data analysis, opinion polls, exit polls, and other tools developed by political, social, and data scientists, the vast majority of the predictions of the outcome of the 2016 U.S. presidential election were wrong.[15] Even on the night of the election, hours after ballot counting had commenced, the media unanimously reported that Hillary Clinton would win. For the early part of the night the *New York Times* forecast meter had Hillary Clinton with a strong lead, her chance of winning hovering around 85 percent for some time. But at 9:30 p.m. Clinton's chance of winning plummeted and Trump took the lead; henceforth, his chance of winning rose steadily into the night. But what was most bizarre about the election night predictions was the discrepancy between the reality of what was happening and what was being reported. While monitoring the *New York Times* election forecast meter, I was also streaming news channels such as CBS. Even after the meter said there was a 90 to 95 percent chance that Trump would win, the newscasters were still declaring that

Clinton would win. I knew something was awry when the pundits began to stutter and a liberal commentator announced on the air that she was going to have a "panic attack." Reality was violently forcing its way into the liberal imaginary, creating a tear in the fabric of their psychic universes. *No one predicted this.* But liberal Americans continued to deny that Trump would actually become president: *Maybe a recount will reveal the election was rigged? Maybe an investigation into Russian interference will nullify the results? Maybe we can petition to abolish the electoral college and declare Clinton the winner, since she carried the popular vote? Maybe he will be impeached before being sworn in? Maybe Joe Biden will assassinate him?* These were the many fantasies liberal Americans entertained in order to psychically ward off the catastrophe of the coming Trump presidency. The crisis of Donald Trump is more than a crisis of governance; it is a crisis of uncertainty.

Now, standing on the threshold of a new world, it is time to again ask: Will we ever be able to master the future? How far will our confidence carry us? Will we ever have the power to eradicate uncertainty? As it stands, our predictions tend to predict what we already believe will happen (after all, algorithmic software is still designed by humans). After the election I read articles about Ada, the algorithmic tool Clinton used to guide her campaign. Apparently her sophisticated algorithmic software directed her *not* to campaign in Wisconsin and Michigan, even though Sanders won those states in the primaries. These states voted for Obama in recent elections. Statistically speaking, wouldn't they go blue again?

Perhaps you find it curious that I am belaboring this point about the impossibility of predicting the future. Who cares if the *New York Times* forecast meter was wrong about the election? My point is that we have become so confident in our power to predict that we are increasingly relying on predictive analytics to determine what we do in the present. Thus, a prediction of a crime boom can catalyze the construction of prisons and the passing of harsh sentencing laws. In the political realm, the conjuration of an imminent threat gives authority to the policies that are being implemented in the present. This is why law-and-order politicians often focus on juveniles: they embody collective anxieties about the future of society. Thus, predictions do much more than present us with a probable outcome, they *enact* the future.

The consequences of a single wrong prediction in areas where there are high stakes for people should be enough for us to question our widespread

reliance on them. A wrong "You may also like …" product recommendation on Amazon is one thing, but a wrong prediction in the arenas of punishment, policing, and finance is quite another. *ProPublica* investigated the efficacy of the COMPAS algorithm, which is used by courts and parole boards to calculate the risk of recidivism. *ProPublica* analyzed the scores of more than ten thousand defendants in Broward County, Florida, and compared their risk scores with data about who had gone on to be arrested for crimes within two years. They found that "black defendants were twice as likely to be incorrectly labeled as higher risk than white defendants."[16] In a follow-up to the study, four separate research teams analyzed the algorithm and found that the "racial bias … arises inevitably from the test's design."[17] Journalists for *ProPublica* note that "Increasingly, criminal justice officials are using […] risk prediction equations to inform their decisions about bail, sentencing and early release. The researchers found that the formula, and others like it, have been written in a way that guarantees black defendants will be inaccurately identified as future criminals more often than their white counterparts."[18] However, Northpointe —the company that sells COMPAS—claims to be race-neutral. Indeed, many companies involved in the business of selling predictive products to courts and police departments claim in their advertisements that their products will be more egalitarian because they remove human bias and thus will not be racist in their predictions (unlike a judge, a cop, or a parole board consisting of individuals who might unconsciously or consciously be racially biased). But why exactly are these supposedly race-neutral algorithms racist in their predictions? The answer to this question is complicated. I recommend reading *ProPublica*'s findings and Cathy O'Neil's book on algorithms and inequality—*Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*—for a nuanced technical answer. To summarize O'Neil's argument, she writes in her book that one reason why algorithms are sometimes racially biased is that some of the factors taken into consideration by these algorithms are proxies for race even when they are not explicitly racialized (such as neighborhood). Furthermore, predictive tools often enshrine bias because they use datasets that are themselves tarnished by racial bias.

As time passes, algorithmic power is being consolidated. Yet how are we to test the efficacy of an algorithm and hold the designers of these algorithms

accountable when the algorithms themselves are often proprietary and not open to scrutiny? Even when it's not legible, the ideology of a society will be encoded into its algorithms. An unequal and racist society will use algorithms to preserve inequality and protect the status quo. Rather than demanding wiser and more accurate algorithms (which is where O'Neil sometimes lands in her analysis), we need to dismantle our fetishization of predictive analytics and challenge forms of power that invoke the future to authorize the present state of affairs. This is what I argue in my essay "This Is a Story About Nerds and Cops" (chapter 4), an essay I wrote in 2014 that analyzes the invisibilized dimensions of policing. The essay focuses on the technological side of law enforcement and the rise of predictive police practices. It critiques the idea that predictive policing is "race-neutral" and argues that "police science" is a way for police departments to rebrand themselves in the face of a crisis of legitimacy. Since writing the essay, techno-policing reached another milestone when the Dallas Police Department's SWAT team used a robot to kill sniper Micah Xavier Johnson in 2016, marking the first lethal use of a robot by police. When contemplating the rise of algorithmic and robotic policing, we need to attend to the question: How will cybernetic and robotic repression alter the terrain of political resistance?

Algorithmic Power

> *Politics revolves around what is seen and what can be said about it, around who has the ability to see and the talent to speak, around the properties of spaces and the possibilities of time.*
>
> —Jacques Rancière, "The Distribution of the Sensible"[19]

With the ascendency of algorithmic power in the Age of Big Data we are presented with a number of problems that are at once political and aesthetic: If what we can perceive with our senses delimits what is politically possible, then how do we make legible forms of power that are invisible? How can we imagine ourselves out of a box that we don't even know we're stuck inside? Like a character in a Franz Kafka story, we are called into presence, managed, confined, and punished by an authority that we struggle to locate or identify, and every time we embark on a quest for answers, there is just infinite deferral and postponement.

A job applicant might wonder, Why was my application rejected?

Because a private company gave you an e-score that indicates you are not credible.

Why was I given this score? What data was used to make such calculation?

We cannot tell you. We do not know.

Then how the fuck can I get out of the invisible box that hems me in?

These new forms of power create the illusion of freedom and flexibility while actually being more totalizing in their diffuseness. When power operates through automated and self-regulating circuits, the removal of the subjective element makes it all the more difficult to conceptualize or challenge. Yet it is worth restating that when it comes to policing, soft power (algorithmic policing) has not replaced hard power (militarized policing). Today, in the early days of the Trump presidency, we are seeing a resurgence of sovereign power, which is epitomized by the onslaught of executive orders issued by Trump in the first week of his presidency. With the rise of neofascism around the globe, we see the simultaneous existence of sovereign power and techno-governance. The relationship between Trump and Silicon Valley is representative of the deeply ambivalent relationship between these forces—between old and new forms of power. In rhetoric, Trump has shown a preference for an old-school model of economic growth centered on reviving manufacturing in the U.S., implementing protectionist trade policies, and reinvigorating extractive industries such as coal and oil. Temporally, the national agenda has pivoted away from the future and toward the past, which is also epitomized by Trump's campaign slogan "make America great … again." Yet Silicon Valley and the tech industry know that the only thing that stands between massive infrastructural changes such as drone shipping and self-driving cars is the passing of government legislation that will enable the implementation of these new technologies. For this reason—though Silicon Valley has at times been at war with the U.S. government—some tech heavyweights, such as Elon Musk, have attempted to court the Trump administration, while others have condemned it. Travis Kalanick, the (now former) CEO of Uber, briefly joined Trump's economic advisory council only to step down after a boycott of Uber caused the company to suffer a significant loss of revenue. Recently, 160 biotech companies signed a letter criticizing Trump's executive order banning travel from seven predominantly Muslim countries. The ban has been particularly injurious to the biotech industry,

which is heavily dependent on the labor of highly skilled foreign-born researchers and workers.

Even if Trump decides to act against the interests of the tech industry, he will ultimately be unable to prevent what some are calling the "second industrial revolution" and the "second machine age." Mass automation is on the horizon, and this raises a number of questions about the future of the economy and our role in it. In December 2016 Amazon shipped its first package by drone, and self-driving cars are still on the roads in California despite a court injunction to ban them. Under Obama we saw a major shift in American warfare abroad, from ground warfare to drone warfare. The British military is developing laser guns and cannons that can shoot down the drones that are increasingly being used in warfare. Technological innovation is rapidly restructuring the economy, social relations, governance, culture, and warfare.

All of this is to say that a vast number of humans—whether they are laborers or soldiers—may become superfluous, though we may still be needed (for now at least) as *users* and *consumers*. However, the futurist Jerry Kaplan challenges the idea that humans are even necessary to keep around as consumers:

> When the growth rate of luxury goods consistently exceeds the growth rate for all retail sales, it doesn't take long for it to account for a large proportion of total spending. According to Mark Zandi, chief economist of Moody's Analytics, the top 5 percent of income earners account for about one-third of all spending, and the top 20 percent account for close to 60 percent of spending. It's quite plausible that, within the next decade, the wealthiest 5 percent could generate more than half of retail spending in the United States. That would be a thriving economy driven not by the mythical middle class but rather by an ever-concentrating cadre of the elite.[20]

What will happen when new surplus populations are created and humans are no longer needed for production or consumption? As the U.S. deindustrialized and the welfare state was gutted (a process that started in the 1970s), the solution to the problem of what to do with the unemployed people who had migrated to cities to become industrial workers—as well as the mentally ill people housed in hospitals that were shutting down en masse—was *racialized mass incarceration*. Already, in the 1960s and '70s, black intellectuals associated with the Black Panther Party were theorizing these processes.

The Black Panther Party, Lumpenization and Automation

In contemporary discussions of automation, there is rarely any acknowledgment of black Marxist theorizations of automation, such as those produced by the Black Panther Party (BPP). The BPP was not only a revolutionary political organization, it was a political movement that produced many significant contributions to black political thought. Before the Black Panthers, few thinkers beyond Malcolm X had undertaken the daunting endeavor of both organizing the lumpenproletariat into a political organization and theorizing how and why the lumpen could be included in a revolutionary struggle. The BPP was also singular insofar as many of its leaders and theoreticians—such as George Jackson, Huey P. Newton, and Eldridge Cleaver—were former hustlers and members of the same class they were theorizing.

BPP theorizations of the lumpenproletariat are somewhat distinct from traditional Marxist conceptions of the lumpen. In the Marxist view, unemployed people (the lumpen class) are essentially workers without work: a labor reserve that is necessary to keep wages down and weaken the power of labor unions. However, historically, they have not been considered a revolutionary class in themselves by Marxists because they do not control the means of production and are notoriously difficult to organize, as there are few social, political, and material forces that bind them to one another. For instance, factory workers are considered organizable because they share material interests (similar working conditions and a shared opposition to their bosses) as well as a physical space through which they can develop a working-class consciousness and coordinate their actions. The lumpen class, on the other hand, is an aggregate of mostly de-skilled people who sometimes operate outside the licit economy.

In Newton's, Cleaver's, and Jackson's post-Marxist theorizations of the new capitalist economy, most of humanity (aside from a small class of technocrats) will eventually be subjugated by technology. This is a significant departure from the techno-optimism of Marxism, and the view that capitalism is a necessary stage in the development of communism because it catalyzes technological innovations that will reduce the human labor required to provide for the material needs of humanity. Supposedly this would liberate the masses from the enervating drudgery of alienated work and allow people to cultivate themselves through more satisfying activities. However, for the BPP, the lumpen and the working class have a negative relationship with

technology. These thinkers predicted that rapid technological innovation would lead to a "lumpenization" of the lower classes, who would become permanently unemployable as automated production rapidly supplanted human laborers. For the BPP, black Americans would be the first to feel the negative effects of automation (as well as deindustrialization), though eventually this condition would become generalized and affect all workers. Black Americans are what some might call "the canary in the coal mine" insofar as they are the first to suffer the consequences of political and economic restructuring. Newton writes:

> In this country the Black Panther Party … sees that while the lumpen proletarians are the minority and the proletarians are the majority, technology is developing at such a rapid rate that automation will progress to cybernation, and cybernation probably to technocracy. … If the ruling circle remains in power it seems to me that capitalists will continue to develop their technological machinery because they are not interested in the people. … If revolution does not occur almost immediately, and I say almost immediately because technology is making leaps (it made a leap all the way to the moon), and if the ruling circle remains in power the proletarian working class will definitely be on the decline because they will be unemployable and therefore swell the ranks of the lumpens, who are the present unemployables. Every worker is in jeopardy because of the ruling circle, which is why we say that the lumpen proletarians have the potential for revolution, will probably carry out the revolution, and in the near future will be the popular majority. Of course, I would not like to see more of my people unemployed or become unemployables, but being objective, because we're dialectical materialists, we must acknowledge the facts.[21]

Thus, according to Newton, there would be a massive shift in class composition: as the working class shrank, the lumpen class would grow and eventually become the majority. But how, as workers are lumpenized, will the lumpen consume goods? Consumption, Cleaver argues, drives economic growth, and profits fall when there are too few people with enough disposable income to purchase the products being produced. However, in "On Lumpen Ideology" Cleaver theorized that the problem of underconsumption would be solved by the state and the creation of a welfare system that would allow the lumpen to participate in the economy as consumers without participating in the process of production. Perhaps one could say that today the problems of underconsumption and the falling rate of profit identified by Cleaver have been temporarily solved (or deferred) by the creation of a debt economy that allows people to consume commodities using borrowed money.

For the BPP, the technological transformation of the process of production requires the creation of political strategies and tactics that are responsive to the new situation. Since they were prophesying that the working class would eventually be demoted to the ranks of the lumpen, it was necessary that the lumpen class be the point of departure for their political theories, and that their strategies attend to the question of how the lumpen could be converted into a revolutionary class. For Jackson, U.S. blacks are—as former slaves and the hyper-exploited stratum of the working class—revolutionary because they have a "desperate historical relation to the violence of the productive system" that makes them more committed to uprooting the whole system, while the white working class would be more susceptible to neutralization because they did not have a fully *antagonistic relation to production* and thus could be bought off, as they had a stake in maintaining the system.[22] This antagonistic relationship to production also redefines how the People's War is waged: rather than seizing the means of production, Jackson emphasized the *destruction of the protective and productive forces*. He advocated destabilizing capitalism by halting production through sabotage, thus making the terrain uninhabitable for capitalists as well as unfit for capital investment. He writes, "The objective, I repeat, of the destruction of a city-based industrial establishment and its protective forces is to create perfect disorder, to disrupt all of their interacting processes that allow them to produce and distribute goods, and this can be done from within the process much more easily than from without."[23] But sabotaging production also meant that the BPP would have to simultaneously develop autonomous infrastructure that could ensure, as the Panthers would say, *survival pending revolution*.

The last of Jackson's contributions to political theorizations of the lumpen class that I want to examine is Jackson's analysis of the function of prisons and prisoners as a class. When Jackson was writing *Blood in My Eye* in the early 1970s, prisons in the U.S. were in the process of becoming—but were not yet —majority black. In one of his letters he noted that he was in his eleventh year of being held in the "largest prison system in the world," but it was not until the 1980s and 1990s, after his death, that rates of incarceration began to skyrocket, marking the expansion of a process that is now commonly referred to as "mass incarceration." For these reasons, Jackson's remarks about prisons are particularly prescient.

There are several layers to his analysis of prisons and the prisoner class. The first and most basic one is an argument that is now routinely made by social scientists: incarceration has little to do with "crime" as such, but is driven by economic and political forces. Jackson wrote that in 1969, 87 percent of all crimes were property crimes.[24] For him it was no coincidence that a disproportionate number of blacks were incarcerated and that "every one" of the "thousands of prisoners" he encountered "was from the working or lumpenproletariat."[25] According to Jackson, law itself is a political construction designed specifically to manage "poor, desperate people like me."[26] He writes, "Bourgeois law protects property relations and not social relationships."[27] His discussion of "crime" and the "law" attempts to denaturalize these terms and reveal how class determines the way the law is applied. "Crime," Jackson writes, "is simply the result of a grossly disproportionate distribution of wealth and privilege, a reflection of the present state of property relations."[28] In other words, socioeconomic conditions are what cause crime as well as what determine which kinds of activities get counted as criminal.

In addition to Jackson's class analysis of prison, he also argues that prisons have a political function: they are one of the chief repressive institutions that make up what he calls the "totalitarian capitalist state," which he asserts exists to "discourage and prohibit certain activity."[29] In other words, prisons are used as an instrument of political repression. He writes, "Throughout its history, the United States has used its prisons to suppress any organized efforts to challenge its legitimacy—from its attempts to break up the early Working Men's Benevolent Association to the banning of the Communist Party … to the attempts to destroy the Black Panther Party."[30] For Jackson, all actions that threaten the capitalist social order automatically set the repressive apparatus into motion, which is why he believes that a civil war is the only means through which a total revolution can be achieved.

Mass Incarceration, the Debt Economy, and the Post-Work Society

The purpose of the above summary of the Black Panther Party's analysis of prisons and how technological innovation could lead to the lumpenization of

the working class is to draw attention to the possibility that labor-saving technologies will not necessarily liberate humans from work as we move toward a post-scarcity and post-work society, but can lead to the creation of surplus populations that are housed—and generate value—in prison or are folded into the economy as debtors. Although Cleaver hypothesized that the welfare state would prop up consumption as more people were shunted from the production process, in the decades since he published his essay, the welfare state has contracted while the debt economy has ballooned. Maurizio Lazzarato, in *The Making of the Indebted Man*, analyzes the significance of this transition from *social right* to *social debt*: "When social rights (unemployment insurance, the minimum wage, health care, etc.) are transformed into social debt and private debt, and beneficiaries into debtors whose repayment means adopting prescribed behavior, subjective relations between 'creditor' institutions, which allocate rights, and 'debtors,' who benefit from assistance or services, begin to function in a radically different way, just as Marx foresaw."[31] For Lazzarato, debt should be conceptualized not only in terms of money and repayment, but also in terms of the disciplinary function of debt and the docile subjectivities produced by indebtedness. He writes:

> Unlike what happens on financial markets, the beneficiary as "debtor" is not expected to reimburse in actual money but rather in conduct, attitudes, ways of behaving, plans, subjective commitments, the time devoted to finding a job, the time used for conforming oneself to the criteria dictated by the market and business, etc. Debt directly entails life discipline and a way of life that requires "work on the self," a permanent negotiation with oneself, a specific form of subjectivity: that of the indebted man. In other words, debt reconfigures biopolitical power by demanding a production of subjectivity specific to indebted man.[32]

Thus, as more people join the ranks of the lumpen or the precariat, and as production migrates around the globe or becomes more efficient, we have witnessed the expansion of the debt economy. Debt not only means that the creditor essentially owns the future of the debt (which would unconsciously and consciously affect the life choices made by the debtor), but that debt actually produces a specific kind of subjectivity.

In *Humans Need Not Apply*, Jerry Kaplan—a futurist, entrepreneur, and fellow at the Stanford Center for Legal Informatics—predicts that 90 percent of the jobs that exist now will eventually be automated. While some post-Marxist tech critics hypothesize that automation will inevitably lead to

guaranteed basic income, the monetization of the social value of our participation as *users*, and the creation of a post-work society, it seems just as plausible—given recent trends—that the social and economic crisis of unemployment caused by automation will lead to the creation of new debt and credit regimes. Such innovations are already incubating in Silicon Valley. In his book *Humans Need Not Apply: A Guide to Wealth and Work in the Age of Artificial Intelligence*, Kaplan proposes job mortgages as a way to weather what he believes will be an economic transitional phase:

> I will propose an approach to this problem in the form of a new type of financial instrument, the "job mortgage," secured exclusively by your future labor (earned income) similar to the way your home mortgage is secured exclusively by your property. Out of work? Payments are suspended for some reasonable grace period, until you find another job.
>
> In the proposed system, employers and schools will have incentives to collaborate in a new way. Employers will issue nonbinding letters of intent to hire you if you acquire specified skills, and they will get certain payroll tax breaks if they ultimately follow through. These letters of intent will serve the same purpose for job mortgage lenders as an appraisal serves for a home mortgage lender. Training institutions will have to craft their curricula around the specific skills required by sponsoring employers in order to meet the requirements of the loans, or else students won't enroll. You won't be committed in advance to accepting a particular position if someone else makes you a better offer, but at least you have the comfort of knowing that you are acquiring the skills valued by the marketplace. In effect, this scheme introduces a new form of feedback and liquidity into labor markets, enforced through the discipline of the free market.[33]

Far from inaugurating the communist utopia many of us wish for, technological innovations that reduce the need for human labor may just become an opportunity for financial institutions to have broader ownership of our futures through the creation of new credit instruments. Such an instrument as the job mortgage would not merely be a way to inject liquidity into labor markets, it would be a disciplinary apparatus that comes with a set of terms and requirements. Although the job mortgage would make lending institutions entitled to a percentage of borrowers' future income, if borrowers don't find a job, they would still have to pay back a portion of the loan. But questions remain about how borrowers would be punished if they failed to meet the requirements of the job mortgage. What if a borrower takes out a loan and decides to switch career paths? What if the debtor drops out and decides to live in a punk house and hitchhike across the country? What if, after learning how to program the software for self-driving cars, a borrower decides it's not for them and instead gets into producing electronic music? Will we

even be able to imagine such futures for ourselves as the credit system colonizes all areas of our lives and constrains our futures? Will these credit instruments and the "discipline of the free market" reduce our lives to the acquisition of "marketable skills" and make it impossible to explore, wander, create, invent, learn (as opposed to "acquiring skills"), relax, form non-instrumentalized social bonds, loaf, and daydream? Without a revolution or a social movement to overturn or counter the direction of the debt economy and techno-capitalism, we might be catapulted into a future where our lives are disciplined and determined by our dependency on credit.

The New Racial Capitalism

The essays included in this book—which are more suggestive than they are conclusive—attempt to update the analytic of racial capitalism for a contemporary context. Rather than focusing on the axis of production by analyzing how racism operates via wage differentials, this work attempts to identify and analyze what I consider the two main modalities of contemporary racial capitalism: predatory lending and parasitic governance. These racialized economic practices and modes of governance are linked insofar as they both emerge to temporarily stave off crises generated by finance capital. By titling this book *Carceral Capitalism*, I hope to draw attention to the ways in which the carceral techniques of the state are shaped by—and work in tandem with—the imperatives of global capitalism.

Predatory lending is a form of bad-faith lending that uses the extension of credit as a method of dispossession. When analyzing contemporary economic practices, a distinction can be made between good-faith and bad-faith forms of credit. Good-faith lending might have a fixed interest rate and be designed such that there is a possibility of the loan being paid. It enables borrowers to accumulate wealth, though as the debt economy expands, it is becoming increasingly difficult for people to ever get out of debt. Bad-faith lending might be a high-interest or free-floating interest rate loan (often offered with a "hook" rate that eventually expires) and is designed such that the borrowers will likely default and thus their property will be taken away (their goods repossessed, their homes foreclosed, etc.). In the United States, the kind of credit a borrower has access to depends in part on the race of the borrower. Today, before working on this introduction, I read an article in *The New York*

Times about how the largest bank in the U.S.—JP Morgan—will pay $55 million in damages for discriminatory lending practices that targeted blacks and Latinxs for higher-interest mortgage loans than whites of the same income bracket (Wells Fargo also had to pay $175 million for engaging in the same practices). As predatory lending systematically prevents mostly poor black Americans from accumulating wealth or private property, it is a form of social exclusion that operates via the inclusion of marginalized populations as borrowers. For it is as borrowers that they are eventually marked for further social exclusion (through credit and e-scores). Predatory lending exists in many forms, including subprime mortgage loans, student loans for sham for-profit colleges (which Obama attempted to regulate, but may be revived by Education Secretary Betsy DeVos), car loans, and so forth. Predatory lending practices also have a decidedly spatialized character. In impoverished urban areas, predatory lending exists in the form of rent-to-own scams, payday loans, commercial bail bonds, and other practices. Overall, predatory lending enables profit maximization when growth is stagnant, but this form of credit will always be plagued by realization problems, which are sometimes resolved using state force.

Parasitic forms of governance—which have intensified in the wake of the 2008 crash—are actually rooted in decades-old problems that are coming to a head only now. Beginning in the 1970s, there was a revolt in the capitalist class that undermined the tax state and led to the transformation of public finance. During the subsequent decades the tax state was gradually transformed into the debt state—"that is, a state which covers a large, possibly rising, part of its expenditure through borrowing rather than taxation, thereby accumulating a debt mountain that it has to finance with an ever greater share of its revenue."[34] This model of public finance creates a situation where creditors, rather than the public, become the privileged constituency of governments. The hegemony of finance is antidemocratic not only because financial institutions are opaque and can influence finance through their ownership of the public debt, but also because fiscal crises (which can be induced by the financial sector) authorize the use of state power to extract from the public.

Parasitic governance, as a modality of the new racial capitalism, uses five primary techniques: 1) financial states of exception, 2) automated processing,

3) extraction and looting, 4) confinement, and 5) gratuitous violence (with execution as an extreme manifestation of this technique).

The Financial State of Exception

Perhaps what I would call a financial state of exception would be best exemplified by the recent cases of the Flint water crisis and the Puerto Rican fiscal crisis. They both entail a suspension of the so-called normal democratic modes of governance (where decisions are made by elected officials) and the implementation of rule by emergency managers (EMs) who represent the interests of the financial sector. Usually it is a state, municipal, or sovereign debt crisis that authorizes the financial takeover of governance (but it can also be a "natural" disaster, as we saw in New Orleans with Hurricane Katrina). A financial state of emergency can also be induced when banks create a liquidity shortage by abruptly refusing to lend money to government bodies (which is what occurred in the 1975 bankruptcy of New York City). Flint, Michigan, is a perfect example of how a financial state of exception can produce a nightmarish outcome. As I write this, it has been more than a thousand days since Flint had clean water—but what does this have to do with the financial and government processes I have described above? In 2011, Governor Rick Snyder appointed emergency managers to seize control of the financial affairs of the city in the name of the public good. Like many other ailing postindustrial cities in Michigan that have experienced depopulation and the collapse of the tax base, Flint was facing a fiscal crisis. In 2014, to cut costs, the city switched its water source from Detroit's Lake Huron system to the Flint River. Officials—including the emergency financial managers—did this knowing that the city did not have the infrastructure to properly treat the water. The untreated water corroded the pipes, and high levels of lead leaked into the water, poisoning the primarily black residents of the city. To give you a sense of how toxic the water was, consider that at five thousand parts per billion of lead, water is regarded as hazardous waste. When the Flint resident LeeAnne Walters had her water tested, the lead level was at 13,200 ppb. Like many of the children and infants exposed to the contaminated water, Walters's son Gavin was diagnosed with lead poisoning. In short, the financial state of exception created by the budget crisis authorized the implementation of emergency financial managers whose primary goal was to make Flint solvent

by any means necessary, even if it meant endangering the health of the residents. Under the auspices of the EMs, Flint was barred from borrowing money or issuing bonds. Given that, under the current fiscal paradigm, the federal government no longer provides significant funds to cities, the residents were left to suffer the consequences of the dramatic spending cuts.

As dry and technical and boring as the topic of municipal finance and fiscal retrenchment is, we see in the case of the Flint water crisis that these matters form the invisible backdrop of our lives: they directly determine our quality of life and even our health outcomes. We cannot, even on a bodily level, flourish under these conditions. But it should be emphasized that vulnerability to parasitic government practices is not equally distributed in the country. The practices you are exposed to depend on where you live (which, given how segregated our country is, is determined in large part by your race and class).

Automation

The second technique of the parasitic governance model I am outlining is automation. In *Weapons of Math Destruction*, Cathy O'Neil points out that "The privileged, we'll see time and again, are processed more by people, the masses by machines."[35] When government bodies are strapped for cash, they can raise revenue by implementing software that automates the process of fining people; garnishing wages, Social Security, and tax returns; ticketing people; and extracting wealth—all while avoiding the cost of hiring personnel to individually file cases against people. To cite a common example: tickets for traffic violations such as running a red light can be issued by mail when sensors and cameras are affixed to traffic lights. Though this practice seems benign, it can become a nightmarish scenario when a person (perhaps because they have moved) never receives the ticket and thus has a warrant out for their arrest. But perhaps the most paradigmatic example of this practice is a situation that recently came to light in—again—Michigan. In 2013—during the peak of the same fiscal crisis that led to the bankruptcy of Detroit and the Flint water crisis—the Michigan Unemployment Insurance Agency (UIA) implemented a system that automatically issued more than twenty thousand accusations of fraud against people who were applying for unemployment benefits. After a class-action lawsuit was filed, a review of the cases found that 93 percent of the fraud claims issued by the Michigan Integrated Data Automated System

(Midas) were false. After the implementation of Midas, the balance of the UIA's contingent fund (which consists mostly of funds generated from fraud fines) ballooned from $3.1 million to $155 million. Just a week before the report was released, Michigan passed legislation that enabled the state to use money from the UIA's contingent fund to balance the state budget. As the attorney David Blanchard put it, "It's literally balancing the books on the backs of Michigan's poorest and jobless."[36] Unfortunately, because the social consequences of automated processing are difficult to make legible and identify, cases such as the Midas case often fail to register as scandals.

Extraction and Looting

Racialized expropriation, as a tool of both finance capital and the parasitic state, is discussed in greater depth in my chapters on the debt economy and municipal finance. While extraction and looting are the lifeblood of global capitalism, it occurs domestically in the public sphere when government bodies —out of pressure to satisfy their private creditors—harm the public not only by gutting social services, but also by looting the public through regressive taxation, fee and fine farming, offender-funded criminal justice "services" such as private probation services, and so forth. While in the private sector the extension of subprime credit is often deployed as a racialized form of expropriation, in the public sector municipal governments (in tandem with or on behalf of financial institutions) use the police and the criminal justice system to loot residents of primarily black jurisdictions. Many Marxist and post-Marxist thinkers, including David Harvey, have analyzed how the advanced global economies—and the U.S. in particular—use their military, economic, and political might to secure access to natural resources and cheap labor, whether it is through lending, military force, brokering deals with corrupt autocrats, sponsoring coups, or international trade agreements made on the terms of the Global North. Some have argued that the expansion of capitalism necessitates the use of force to expropriate wealth from areas "outside" its formal sphere. Harvey has called this dynamic of late capitalism the "new imperialism." In a post-colonial world, expropriation must proceed along lines other than brute territorial expansion. I will return to this theoretical debate in my chapter on the debt economy, but first I would like to briefly turn to Brandon Terry's analysis of what could be described as a

domestic staging of a similar process: the expropriation of wealth from black America.

In "Insurgency and Imagination in an Age of Debt," Terry uses Stokely Carmichael and Charles V. Hamilton's conceptualization of black America as an "internal colony" to elucidate finance capital's predatory relationship to black America. Since the neoliberalization of the U.S. economy, household debt has ballooned, and this debt load is disproportionately borne by black Americans and the poor. Between 1980 and 2006, "household debt as a percentage of disposable personal income has grown from 72.1% to 139.7%."[37] Given this unequal debt load among urbanized black Americans who have lost access to secure employment (owing to the loss of unionized manufacturing jobs and the scaling back of the public sector), Terry is justified in his centering of "debt and financialization" over "labor and production" as his main axis of analysis. This debt regime operates not only through categorizing and targeting certain racialized subjects for loans that are essentially scams—it is also territorializing insofar as it relies on spatialized segregation in order to function. In his description of the "consumer life of the ghetto," Terry provides a number of examples of predatory scams that are only possible vis-à-vis the ghetto as a spatial configuration:

> a Playstation 4 console bundle, as of the writing of this essay, costs $299.99 from the electronics retailer, Best Buy. From the rent-to-own retailer, Rent-A-Center in Dorchester, Massachusetts, the same electronics bundle costs $122 per month, with insurance charges, over a term of sixteen months—amounting to $1,952—an over 650% price increase. When consumers fall short—even if many hundreds of dollars have already been paid—late fees are charged, the police may be called, and goods can be repossessed and resold again for the same exorbitant price. Such profits are parasitic on many of the conditions constitutive of ghettoization—precarious employment, inherited and cumulative disadvantages in wealth, inferior education, information asymmetries rooted in discrimination and social marginalization, and lack of mobility and access to commerce. Where these phenomena do not exist, rent-to-own is a negligible feature of consumer life.[38]

In urban ghettos, ethically dubious extractive methods prevail because residents are spatially exposed to predation. Terry suggests that, given the territorializing and expropriative character of capital's relation to black America, the colonial analogy in Carmichael and Hamilton's conceptualization of black America as an internal colony is apt in the domains of geography and economics (precisely where the analogy seems "ill-fitting").[39] Some theorists—and

particularly Afro-pessimists such as Jared Sexton—would likely cavil at the use of colonialism as an analytic to understand antiblack social dynamics, as black racialization historically occurred on the axis of enslavement (by associating blackness with the transferrable condition of enslavement) and not colonization or territorial conquest. Nonetheless, Terry's analysis is convincing insofar as it shows how racial segregation and the spatial concentration of poverty essentially create zones that are marked lootable. The looting persists because residents in these zones have access to neither "good-faith" credit nor the material means to escape spatial exposure to predation.

Confinement

While the first three categories (of financialization, automation, and looting) represent exclusionary processes that proceed by way of inclusion (subjectivation as citizen debtors, incorporation through the extension of credit), confinement and gratuitous violence are examples of exclusionary processes that result in civic and actual death. In other words, in the first three instances the parasitic state and predatory credit system must keep people alive in order to extract from them; in the latter two instances it must confine and kill to maintain the current racial order.

As we move to the fourth and fifth techniques of parasitic governance—confinement and gratuitous violence—we reach the point at which political economy fails as a lens through which to analyze racial dynamics in the United States. Although the concept of the prison-industrial complex draws attention to the industries that benefit from the prison boom of the last several decades—including the construction companies contracted to build the prisons, the companies contracted to supply food and commissary items, the predatory phone and video companies contracted to provide communication services, and private prison companies such as GEO Group and the Corrections Corporation of America (which has recently rebranded itself as CoreCivic)—the profit motive itself is not sufficient in explaining the phenomenon of racialized mass incarceration. Nonetheless, an economic analysis of prisons should not be wholly abandoned.

In addition to drawing attention to the private companies that benefit from the existence of prisons, there is much that political economy can tell us about prisons in the U.S.: it can elucidate how the economies of rural white

America were revived through the construction of prisons and the employment of displaced white workers as prison guards; it can explain how deindustrialization and the migration of jobs to the suburbs and abroad created zones of concentrated black urban poverty; and it can show how the expansion of prisons "solved" the surplus population crisis caused by the wave of unemployment that followed the restructuring of the U.S. economy. Political economy also gives us a way to understand the growth of private prisons in the last several decades (particularly in the arena of juvenile detention) and the use of prison labor to produce goods at an average cost of 93 cents per hour.[40] The lens of political economy can even shed light on why there has been a marginal decrease in the prison population in the wake of the 2008 financial crash, which led to revenue shortfalls that left many states desperate to slash public spending.

Yet to reduce mass incarceration to the profit motive would be misleading, considering that most inmates are held in publicly operated state and federal facilities as well as public local jails. Though as many as seven hundred thousand prisoners are employed in a variety of jobs (ranging from facility maintenance to manufacturing jobs in industries such as furniture production), the majority of those in prisons and jails don't work. At the end of the day, the cost of housing prisoners is high, and the public bears the burden of the cost. A question that a purely economistic view fails to address is why, when the welfare state was being dismantled and there was an ideological pivot away from "big government," was the public induced to believe that a prison binge was legitimate while spending on social services, education, and job creation was not? Is it possible that, as the government withdrew from the arena of social welfare and the revolt among those in the capitalist class reorganized politics such that the government was no longer allowed to regulate the economy, the only remaining social entitlement—the entitlement that has come to give the state as an entity its coherence—is the entitlement of *security*? As President Lyndon B. Johnson said in his March 8, 1965, speech to Congress on the eve of the era of mass incarceration, "No right is more elemental to our society than the right to personal security and no right needs more urgent protection. Our streets must be safe. Our homes and places of business must be secure. Experience and wisdom dictate that one of the most legitimate functions of government is the preservation of law and order."[41]

This evolution in the social function of the state from *provider of social services* to *provider of security* also represented an evolution in how racialized populations in the United States would be managed. The project of dismantling the welfare state gained legitimacy through the association of social entitlements with blackness. If black Americans were seen as the primary beneficiaries of social programs (whether affirmative action, Medicaid, or food stamps), then the post–civil rights era conservative view that black Americans were getting ahead at the expense of white Americans would conveniently delegitimize the welfare function of the state as a whole. This is perhaps why many poor and working-class Americans can rail against welfare and "greedy minorities" while not even being aware that they are beneficiaries of the very services and programs undermined by their sentiments. It is hardly surprising that today, a survey found that 43 percent of Republicans said that whites, rather than blacks, experience a lot of discrimination, while only 27 percent of Republicans believed that blacks experience a lot of discrimination.[42] Given that white conservatives feel that blacks have a social advantage over whites, and that this "unfair advantage" is, in their view, facilitated by the state, it follows that gutting social entitlements will bring about their warped version of "equality."

All this is to say that antiblack racism is at the core of mass incarceration and the transformation of the welfare state not only into the (neoliberal) debt state, but into the *penal state* as well. At the dawn of the carceral era, the United States chose the path of *divestment* in social entitlements and *investment* in prisons and police. There was nothing inevitable about this policy path, as Elizabeth Hinton captures in her brilliant book *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*.

The project of dismantling the welfare state was intimately tied to constructing urban black Americans trapped in zones of concentrated poverty as deserving of their situation. Coded racism was used to construct poverty as a personal moral failure. A structural analysis of urban poverty was set aside, and a racialized narrative of cultural pathology was taken up. In holding those hit hardest by cataclysmic changes in the economy responsible for their suffering (attributing their situation to laziness, criminal proclivities, and cultural inferiority), black Americans were simultaneously constructed as *deserving of punishment*. The conversion of poverty into a personal moral failure was

intimately tied to the construction of black Americans as disposable and subject to mass incarceration. Antiblack racism, and not merely the profit motive, is at the heart of mass incarceration. Thus, the title of this book, *Carceral Capitalism*, is not an attempt to posit carcerality as an effect of capitalism, but to think about the carceral continuum alongside and in conjunction with the dynamics of late capitalism.

Gratuitous Violence

There are fundamental disagreements between those who use racial capitalism as an analytic (whether the axis emphasized is debt, labor, or expropriation) and those who use an Afro-pessimistic lens, which is partly centered on gratuitous violence as a defining feature of antiblack racism. The focus on the dynamics of capitalism and how black people are bilked by that system (as workers or debtors) ignores the fact that global capitalism's condition of possibility was black enslavement—a legacy that continues to this day in modified iterations. Under slavery, black people were—as racialized subjects—considered commodities and were not the owners of their labor power (white workers) nor of property (the capitalist). Wilderson writes, to Michael C. Dawson's chagrin, "work is a white category. The fact that millions upon millions of black people work misses the point. The point is we were never meant to be workers; in other words, capital/white supremacy's dream did not envision us as being incorporated or incorporative. From the very beginning, we were meant to be accumulated and die.... Today, at the end of the twentieth century, we are still not meant to be workers. We are meant to be warehoused and die." Dawson responds that this claim is "fundamentally wrong: we were brought here to work, and to die."[43] Perhaps what is at stake in their disagreement is the question of whether black racialization proceeds by way of a logic of *disposability* or a logic of *exploitability*.

The idea that "work" is a white category ignores that both white supremacy and capitalism flexibly adapt to shifting historical conditions. Consider the Juneteenth decree that was issued to free slaves in Texas:

> The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedmen are

> advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere.[44]

The Juneteenth decree recoded the master-slave relation (between owner and owned) as an employer-worker relation, albeit completely on the terms of the (former) slave owners. Thus, the newly freed black workers—though promised personal rights and the rights of property—were without freedom of contract in that a legal regime emerged to regulate black mobility by criminalizing vagrancy. Marx, along with classical political economists, asserted that the conditions necessary for capitalist accumulation were, as Harvey summarizes, "freely functioning competitive markets with institutional arrangements of private property, juridical individualism, freedom of contract, and appropriate structures of law and governance guaranteed by a 'facilitative' state which also secures the integrity of money as a store of value and as a medium of circulation."[45] A racial capitalist analysis might be attuned to the ways in which freedom of contract or entitlement to protection by law and government historically has not always applied to black people even as they are incorporated into the capitalist system as workers. Whether as debtors, tenants, or workers, the exploitation and expropriation of black Americans does not happen on the same terms as that of white Americans.

In this book I hold that black racialization proceeds by way of a logic of disposability *and* a logic of exploitability. While I analyze how government and financial institutions use extractive mechanisms designed to plunder black Americans, I am also aware that this line of thinking can create the impression that racism is rational insofar as it can be reduced to a set of economic determinants or a profit motive. An economically deterministic analysis would just paper over and soften the raw brutality of American racism. For Afro-pessimists it is not the economic sphere that forms the "base" from which the "superstructure" of civil society, politics, and culture emerges, but antiblack violence that makes possible and is necessitated by global capitalism, freedom, civil society, and the interlocutory life of white (and nonblack) subjects. In short, antiblack violence is not a deviation from the supposedly American values of liberal equality, multiculturalism, and freedom—it is the foundation on which the United States has been erected.

Though analyses of racial capitalism are much more nuanced than the caricatures of Marxism articulated by Afro-pessimist thinkers, analyses that focus on how racism is incentivized by capitalism and instrumentalized for monetary gain can sidestep the intractable psychological dimension of racism. In "Beyond the Wages of Whiteness: Du Bois on the Irrationality of Antiblack Racism," Ella Myers describes how Du Boisean analyses of race that reduce whiteness to a "public and psychological wage" selectively draw from only part of W. E. B. Du Bois's account of how white supremacy operates. Such analyses rely on a divide-and-conquer narrative: racism buttresses capitalism by fracturing the working class and providing psychological compensation for exploited whites, which in turn enables the smooth functioning of capitalism by impeding political cooperation between working-class whites and blacks. However, while Du Bois focuses on the proprietary dimension of whiteness when he writes that whiteness is "the ownership of the earth, forever and ever, Amen," Myers notes that he was also attuned to the ways in which white supremacy was sadistic, defined as much by a "lust for blood" as by economic exploitation and psychological compensation. Although Du Bois initially believed that racism was a matter of ignorance and that knowledge could free whites of their racial delusions, after witnessing the lynching of a black man named Sam Hose in Georgia, Du Bois recognized the depths of whites' hatred toward blacks and became disillusioned with the social sciences. Du Bois—who prided himself in his scholarly fastidiousness and commitment to objectivity—was en route to deliver "a careful and reasoned statement concerning the evident facts" regarding Hose's case when he found out about the lynching. In his 1940 autobiography, *Dusk of Dawn*, he reflected that he had "regarded it as axiomatic that the world wanted to learn the truth."[46] The realization that racial hatred trumped enlightened reason led him to two conclusions: "first, one could not be a calm, cool, and detached scientist while Negroes were lynched, murdered and starved; and secondly, there was no such definite demand for scientific work of the sort that I was doing."[47] Furthermore, Du Bois became more cognizant of the "irrational" dimensions of racism at the dawn of the Freudian era: "I now began to realize that in the fight against race prejudice, we were not facing simply the rational, conscious determination of white folk to oppress us; we were facing age-long complexes sunk now largely to unconscious habit and irrational urge."[48] Like the Martinican anticolonial

theorist Frantz Fanon, Du Bois was able to offer a multilayered account of racism by combining a Marxist-inflected analysis of capitalism with a psychoanalytic-inflected analysis of the unconscious life of racism.

Afro-pessimists, by focusing on gratuitous violence as one of the defining features of antiblack racism, also draw attention to the intractable psychological dimension of racism. The murder and torture of black men, women, and trans and gender nonconforming people are "irrational" manifestations of racism insofar as these actions cannot be neatly attributed to an economic cause—and can even be economically damaging when antiblack police violence results in police departments having to pay millions of dollars in settlements, or when trigger-happy officers lose their jobs amidst public pressure (even though officers are rarely convicted when they murder black people). Although it's very possible that financially, reparations for police violence hurt residents more than they hurt police departments, it would be misguided to cast police violence in economic terms, even though policing, as a whole, functions to socially keep black Americans in their place. Perhaps the desire to provide a functionalist explanation for police violence stems from an inability to face the more unsettling aspects of white supremacy: the fact that some whites—and cops in particular—get sadistic pleasure out of dominating, brutalizing, and killing black people. Moreover, it is not merely a matter of a few white people being sadistic; whiteness as a category is, in part, maintained by ritualized violence against black people and white consumption of spectacularized images of antiblack violence. White identity is consolidated during moments when the position of the spectator is shared and when whites are given an occasion to inhabit the same affective space as other white people, such as when they collectively participate in lynchings as viewers.

At the time of writing this introduction, over the course of a single week, three separate trials that have involved a police officer fatally shooting a black man have resulted in no convictions. Following the acquittal of Jeronimo Yanez—the officer who shot Philando Castile—Castile's mother, Valerie Castile, gave a powerful speech to the reporters who were gathered to hear statements from the family. When Castile's mother spoke about the trial, her revelation echoed Du Bois's thoughts after the lynching of Sam Hose: the truth had done nothing to bring about justice. Dash cam footage revealed that Castile was in his car and that he calmly disclosed that he was (legally) carrying a weapon. When the officer screamed at him to not pull out his gun and he

calmly replied that he wasn't going to, the officer proceeded to shoot him seven times. Given that Castile lived in the St. Louis region, where predatory fine farming by the police is a common practice, it is hardly surprising that before this fatal encounter, Castile had been stopped by the police fifty-two times for minor traffic infractions.

Empirical evidence (such as video footage) that reveals that cops are murdering black people without reason does very little to disabuse some white people of their belief that the officers are justified in their actions. Take, for instance, the dash cam footage of Yanez shooting Castile. Some conservative news commenters claimed that when Castile said he wasn't going to take out his gun, what he actually said was that he was going to take it out. This "interpretation" is both factually wrong and nonsensical as an explanation. Why would Castile calmly disclose he was carrying a firearm if he were planning to shoot the officer? Even many commenters who were not sympathetic to Castile had to concede, based on the video, that the officer was trigger-happy, but they justified siding with the officer by characterizing Castile as a thug, thus marking him as unworthy of sympathy. One YouTube commenter noted, "This officer didn't have trigger discipline, and that is entirely his fault … But some people are acting like Castille [*sic*] was some sort of saint, HE WASN'T!"[49]

While reading the comments, I was struck by how racism affects people on the level of perception, enabling them to hallucinate a reality that conforms to their predetermined expectations. Thus, hallucinated racial expectations enable a conservative commentator to hear Castile say "I'm gonna pull out my gun" when watching the dash cam video of Yanez shooting Castile. Similarly, officer Darren Wilson imagines that Mike Brown has turned into the Hulk while ticketing him, and officer Raymond Tensing imagines a threat that is not substantiated by body cam footage of him shooting Samuel DuBose. When the body cam footage did not support Officer Tensing's claim that he shot DuBose because his arm was stuck in the steering wheel and DuBose was trying to drive away, rather than this being grounds to convict Tensing, the trial became about what was in the officer's "mind" at the time of shooting DuBose—in other words, whether it was plausible that Tensing "imagined" a threat.

This case lays bare the fallacy of believing that body cams will curb antiblack policing. Not only does this "solution" expand the surveillance state, it also seems more likely that the footage captured by body cams will be used against the people who are being policed and not against the police officers who are *legally* given discretion to shoot people. The statements of Castile's sister and mother cut through this wishful line of thinking: even the truth (captured by the dash cam) will not bring about "justice" when the adjudicating institutions have been systematically designed to fail black people (and not only to fail them, but to be used *against* them). The raw despair and anger in Valerie Castile's voice when she says that the "system continues to fail black people" ruptures the myth of American fairness and justice. Philando Castile's sister, Allysza Castile, echoed this sentiment when she ended her statement with the mantra "I will never have faith in this system; I will never have faith in this system; I will never have faith in this system"—repeated three times as she retreats from the microphone and her voice hauntingly fades.

The world today is trade. The world has turned shopkeeper; history is economic history; living is earning a living. Is it necessary to ask how much of high emprise and honorable conduct has been found here? Something, to be sure. The establishment of world credit systems is built on splendid and realizable faith in fellow-men. But it is, after all, so low and elementary a step that sometimes it looks merely like honor among thieves, for the revelations of highway robbery and low cheating in the business world and in all its great modern centers have raised in the hearts of all true men in our day an exceeding great cry for revolution in our basic methods and conceptions of industry and commerce.

—W. E. B. Du Bois

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Racialized Accumulation by Dispossession in the Age of Finance Capital: Notes on the Debt Economy

The development of the hermeneutic of "racial capitalism" can be traced back to the political theorist Cedric Robinson, who developed this framework in his groundbreaking work *Black Marxism: The Making of the Black Radical Tradition* (1983). While working on the book during a sabbatical in the U.K., Robinson heard the term "racial capitalism" used to describe the economy of South Africa. He then took up the term and broadened it into an analytic that posits race as a central feature of capitalism. His analysis does not claim that capitalism itself produced racial distinctions, nor does he posit that racial categories and stereotypes were cooked up to pit workers against each other or to "justify" slavery and exploitation.[1] Rather, racialism was already a part of Western civilization before the advent of capitalism. Capitalism, then, was not a modernizing force that embodied a total break from the old feudalist order, but emerged out of it and retained some of its features. Western societies were primed for racial thinking even before racial slavery and colonialism, as Europeans themselves were divided into racial groups. As Robin D. G. Kelley notes, when capitalism emerged, the "first European proletarians were *racial* subjects (Irish, Jews, Roma or Gypsies, Slavs, etc.) and they were victims of dispossession (enclosure), colonialism, and slavery *within Europe*."[2]

Critics of Marx who have taken up Robinson's hermeneutic of racial capitalism contest Marx's division of people in a capitalist society into the universal class-based categories of workers and capitalists. However, this critique misses that in texts other than *Capital*—particularly in his historical and journalistic writings—Marx writes about a complex cast of characters that

cannot be reduced solely to capitalists and workers (remember: in *Capital*, Marx presents us with *abstract models* as a way to critique classical political economy, and so these models should not be taken as empirical descriptions of reality). Nonetheless, a tension persists between those who claim that capitalist processes tend to *homogenize* subjects, and those who hold that capitalism operates through *differentiation*. Those who adhere to the latter perspective claim that "capitalism was *not* the great modernizer giving birth to the European proletariat as a universal subject," for—as Robinson writes—the "tendency of European civilization through capitalism was thus not to homogenize but to differentiate—to exaggerate regional, subcultural, and dialectical differences into 'racial' ones."[3]

However, if we are open to the claims of such thinkers as Rosa Luxemburg and David Harvey, that capitalism has a dual character, then it becomes possible to analyze how these two axes—one that *homogenizes*, the other that *differentiates*—operate simultaneously. If the *exploitation* axis is characterized by the homogenizing wage relation (insofar as it produces worker-subjects who have nothing to sell but their labor-power), then the axis of *expropriation* relies on a logic of differentiation that reproduces racialized (as well as gendered) subjects. It is the latter process that I take up in this essay on race, expropriation, and debt as a method of dispossession in the age of finance capital. But before I discuss these modern techniques of extraction, I first trace debates about ongoing accumulation by dispossession and racial capitalism, beginning with Marx's analysis of primitive accumulation.

Primitive Accumulation

In Part 8 of *Capital* (Volume 1) Marx attempts to describe the historical processes that create the conditions necessary for the emergence of capitalism. He describes the "pre-history" of capitalism as a process of "primitive accumulation." Unlike his contemporaries, Marx did not naturalize the process of primitive accumulation, and he rejected the narrative that the emergence of capitalism was the result of enterprising individuals who accumulated wealth by working harder than others. Instead, he focused on the use of force, and particularly state power, to pave the way for capitalism: "In actual history, it is

a notorious fact that conquest, enslavement, robbery, murder, in short, force, play the greatest part."[4]

But what exactly is primitive accumulation? It entails the creation of a labor market and a system of private property achieved through the violent process of dispossessing people of their land and ways of life so that they can be converted into workers for capitalists. In order to turn peasants, small craftsmen, and others into workers who have nothing to sell but their labor power, these people must first be alienated from their means of subsistence. As Marx writes:

> In the history of primitive accumulation, all revolutions are epoch-making that act as levers for the capitalist class in the course of its formation; but this is true above all for those moments when great masses of men are suddenly and forcibly torn from their means of subsistence, and hurled onto the labour-market as free, unprotected and rightless proletarians. The expropriation of the agricultural producer, of the peasant, from the soil is the basis of the whole process. The history of this expropriation assumes different aspects in different countries, and runs through its various phases in different orders of succession, and at different historical epochs.[5]

What follows in Chapters 27 and 28 of *Capital* (Volume I) is a brief history of what Marx considers a "classic" form of primitive accumulation: the gradual transformation of the English landed peasantry into an industrial workforce. This process—which initially involved the lawless theft of land through brute force—was eventually carried out by the state apparatus in the eighteenth and nineteenth centuries through the passing of thousands of laws, or Enclosure Acts, that formally destroyed the commons and privatized the land. For the purpose of this essay, I won't go into great detail about Marx's description of this process, but it is important to note that although Marx used England as his case study, he acknowledged that the process is historically contingent and follows different paths in different contexts. Though Marx's account leaves room for historical variation, Marxist thinkers have sometimes taken issue with his assumption that the expropriative and violent looting methods that characterize primitive accumulation take place exclusively *prior* to the implementation of the capitalist mode of production. If economic development follows a linear path toward capitalism, then other modes of production such as slavery and feudalism are distinct from and prior to capitalism—they are "backwards" modes of production that will eventually be subsumed by capitalism.

Contemporary historians of capitalism and slavery are partly animated by a (sometimes unstated) desire to prove Marx wrong by demonstrating that U.S. slavery was well integrated into the circuits of global capitalism and thus cannot be considered as separate from or prior to capitalism. Indeed, the Industrial Revolution in Britain in the nineteenth century was fueled by cotton produced in the slave-holding states of the United States. As the historian Walter Johnson argues in *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*, slavery was very much a part of the global capitalist economy, as 85 to 90 percent of the cotton produced in America was sent to Liverpool for sale and then processed into textiles in British factories.

But a century before the "new historians of capitalism" made this analytical contribution to debates about capitalism and slavery, Rosa Luxemburg levied a similar and more theoretical critique of Marx in her 1913 work of political economy *The Accumulation of Capital: A Contribution to an Economic Explanation of Imperialism*. Though her theoretical intervention is very technical, what follows is a jargon-light summary of her critique. In Part III of *The Accumulation of Capital*, Luxemburg sets out to disprove the mathematical model for expanded reproduction that Marx develops in Volume II of *Capital*. Expanded reproduction is the process by which capitalism grows when a portion of surplus value is reinvested in production. Though Marx concedes that his model is an abstraction (and thus takes place in a fanciful context where there is only capitalism and two classes consisting of workers and capitalists), Luxemburg nonetheless finds his model flawed on both historical and theoretical grounds. She notes that Marx's schema "takes no account of the increasing productivity of labor," which means that surplus value would increase relative to variable capital (i.e., purchased labor power).[6] In other words, capitalism would grow faster than workers' capacity to consume products, which would ultimately lead to a crisis of realization (surplus value would not be realized in full because there would be no buyers for a portion of the products). Thus, she asserts, Marx is wrong in his belief that expanded reproduction could occur in "a society consisting only of capitalists and workers."[7] Third parties must be introduced to temporarily resolve the antagonism between the expansion of the productive forces and restrictions on the capacity of consumption. But "who, then, realizes the constantly increasing surplus value?"[8] In Luxemburg's view, it is consumers outside the domain of

the formal capitalist sphere who prop up the capitalist economies by absorbing the surplus production of both consumer goods and the means of production (construction materials for infrastructure projects, etc.). Luxemburg's analysis of the parasitic relationship between capitalist and noncapitalist spheres has since been recast in terms of developed and underdeveloped spheres, the Global North and Global South, and the core and (dependent) periphery—all of which draw attention to the geographical unevenness of global trade.

To offer a contemporary example, consider the recent global investments made by China. China has a glut of steel, and one way it has deferred an overproduction/underconsumption crisis is by supplying both the credit and the materials, as well as much of the labor and expertise, for African nations to construct a vast railway system across East Africa. Between 2004 and 2014, African countries borrowed some $10 billion from the China Export-Import Bank to finance railway projects that are part of the East African Railway Master Plan. The railway system also facilitates the creation of a market for exported Chinese consumer goods, which have already begun to flood marketplaces across Africa.

Though there are many more dimensions to Luxemburg's analysis of how capitalist accumulation takes place, the most important points to be gleaned from her account, for the purpose of this essay, are: 1) Capitalism is inherently expansionary, as it seeks to realize an ever-increasing amount of surplus value; 2) There is no reason why surplus value need be realized within the formal capitalist sphere when realization can be secured through violence, state force, colonization, militarism, war, the use of international credit to promote the interests of the hegemonies, the expropriation of indigenous land, predatory tariffs and taxes, hyper-exploitation, and the pilfering of the public purse.

In other words, according to Luxemburg, the methods used for primitive accumulation do not end when the capitalist mode of production becomes dominant in a specific context. Since capitalism is a global system, and levels of economic and political "development" vary greatly across the globe, the drive to both secure consumer markets and cut production costs compels capitalists to take advantage of this unevenness by developing a parasitic relationship with noncapitalist or underdeveloped spheres. If—in the mid-nineteenth century—the cheapest source of cotton was cultivated using slave labor in the U.S. South, why would a British industrialist prioritize securing this raw material from a "capitalist" source? As Luxemburg writes:

> In its drive to appropriate these productive forces for the purposes of exploitation, capital ransacks the whole planet, procuring means of production from every crevice of the Earth, snatching up or acquiring them from civilizations of all stages and all forms of society. Far from being already resolved by the material form of the surplus value generated by capitalist production, the question of the material elements of capital accumulation transforms itself into an entirely different one: for the productive employment of realized surplus value, it is necessary for capital to dispose ever more fully over the whole globe in order to have available to it a quantitatively and qualitatively unrestricted range of means of production.[9]

This is Luxemburg's point: to assume that capitalism is the exclusive and universal mode of production, as Marx does in his schema of expanded reproduction, is to miss how capitalist accumulation actually takes place. Luxemburg even goes so far as to conclude that the moment the capitalist mode of production becomes universal, it would no longer be able to function, because there would be no way for it to fully realize the surplus value produced, as there would be no domains left to ransack. However, this narrative assumes that capitalism is a static system rather than a dynamic system that can adapt to changing conditions. It also assumes that those who are incorporated into the capitalist system are permanently integrated into the economy as waged laborers. Given that labor productivity generally increases over time owing to technological innovations, segments of the workforce are also regularly shunted from the process of production. It is usually the case that somewhere in the world, yesterday's workers are today's surplus population. This process continually opens up new domains for expropriation and value generation, whether it is through moneylending or warehousing people in prisons.

At this point in the analysis you may be wondering, what does any of this have to do with racial capitalism? Luxemburg accounts for the way race mediates the accumulation process when she argues that racialized colonization, expropriation, and slavery have historically been capitalism's condition of possibility:

> Since capitalist production must have all territories and climes at its disposal in order for it to develop, it can no more be confined to the natural resources and productive forces of the temperate zone than it can make do with the labor-power of the white race alone. Capital needs other races to exploit territories where the white race is not capable of working, and in general it needs unrestricted disposal over all the labor-power in the world, in order to mobilize all of the Earth's productive forces to the extent that this is possible within the constraints of surplus value production. However, in most cases, as capital encounters this labor-power, the latter is rigidly bound by outmoded, precapitalist relations of production,

> from which it must first be "set free," in order to be enlisted in the active army of capital. The process of extricating labor-power from primitive social relations and absorbing it into the capitalist wage system is one of the indispensable historical foundations of capitalism. The British cotton industry, which was the first genuinely capitalist branch of production, would have been impossible not only without cotton from the southern states of the American Union, but also without the millions of Black Africans who were transported to America in order to provide labor-power for the plantations, and who subsequently joined the ranks of the capitalist class of wage laborers as free proletarians after the American Civil War. The importance of acquiring the requisite labor-power from noncapitalist societies becomes very palpable for capital in the form of the so-called labor problem in the colonies. In order to solve this problem, all possible methods of "soft power" are employed to detach the labor-power that is subordinated to other social authorities and conditions of production from these and to place it under the command of capital. These endeavors give rise in the colonial countries to the most peculiar hybrid forms of the modern wage system and primitive relations of domination. These latter give a palpable demonstration of the fact that capitalist production is not feasible without labor-power from other social formations.[10]

What Luxemburg is describing is a dual labor system whereby the liberal contract prevails in the "temperate zone" of the "white race" while the labor supply in the extra-capitalist social strata is secured through colonial domination and forms of soft power. A hybrid form emerges when capitalist social formations are grafted onto noncapitalist social formations.

Luxemburg's arguments are relevant to debates about the birth of capitalism and ongoing accumulation, but they also help us analyze fictitious capital, financialization, and contemporary racial capitalism. Prior to my reading of Part III of *The Accumulation of Capital*, I came to similar conclusions as Luxemburg when thinking about realization problems related to the debt economy. Some post-Marxists are dismissive of analyses of financialization because fictitious capital is not part of the "real" economy. But looking at how crises created by the credit economy were resolved, I found that the state apparatus was used to force realization through racialized expropriation when no other avenues were available. Although Luxemburg is mostly talking about an unequal transnational exchange between capitalist and noncapitalist nations, a similar dynamic is enabled *within* the U.S. because of uneven regional economic health and development. Consider, for instance, such postindustrial cities and regions as Detroit, where there has been dramatic depopulation, the collapse of the city's tax base (partly because of racist housing policies and white flight), and the collapse of the manufacturing sector. The financial sector saw Detroit's decline as an opportunity to capitalize on its fiscal desperation by extending high-risk credit to the city and—when the city went

bankrupt—attempting to force payment through the bankruptcy litigation process. Wherever there is economic desperation and a high concentration of poverty, predatory lending mechanisms dominate. Local economies that are struggling become the testing grounds for predatory financial instruments. Examples of domestic forms of expropriation trouble the inside-outside distinction Luxemburg makes between capitalist and noncapitalist societies. In some cases, it is not a strict demarcation between capitalist and noncapitalist spheres that enables expropriation, but geographical unevenness. Furthermore, in the age of finance capital, the use of debt as a mechanism of dispossession requires that subjects first be *incorporated* into the capitalist system as borrowers.

From Primitive Accumulation to Racialized Accumulation by Dispossession

In *The New Imperialism*, the Marxist geographer David Harvey uses Luxemburg's analysis of ongoing accumulation by force to develop a theoretical framework suited to the neoliberal era. Instead of using the Marxist term "primitive accumulation"—which relegates the use of violence, coercion, and fraud to the stage *preceding* capitalism—he opts instead for the term "accumulation by dispossession." He writes, "Accumulation by dispossession can here be interpreted as the necessary cost of making a successful breakthrough into capitalist development with the strong backing of state powers."[11] Harvey agrees with Luxemburg's claim that capitalism has a dual character: one sphere is governed by freedom of contract and the rule of law while the other is dominated by political violence and looting carried out by hegemonic capitalist nations. The looting component of the accumulation process is often carried out through the international credit system, which Harvey notes is the linchpin of late capitalism:

> The credit system and finance capital became, as Lenin, Hilferding, and Luxemburg all remarked at the beginning of the twentieth century, major levers of predation, fraud, and thievery. The strong wave of financialization that set in after 1973 has been every bit as spectacular for its speculative and predatory style. Stock promotions, ponzi schemes, structured asset destruction through inflation, asset-stripping through mergers and acquisitions, and the promotion of levels of debt incumbency that reduce whole populations, even in the advanced capitalist countries, to debt peonage, to say nothing of corporate fraud and dispossession of assets (the raiding of pension funds and their decimation by stock and

> corporate collapses) by credit and stock manipulations—all of these are central features of what contemporary capitalism is about.[12]

Although I largely agree with Harvey's analysis of accumulation by dispossession, as well as his attention to the use of credit as a method of expropriation, I would like to further extend his analysis to focus on the racial dimension of this process—what one might call *racialized accumulation by dispossession*. In the following sections I look at recent attempts to theorize expropriation as a racializing process.

Racial Capitalism and Settler Colonialism

Given the dual character of capitalist accumulation identified by both Rosa Luxemburg and David Harvey, what new understanding of capitalism would be generated by focusing on *dispossession* and *expropriation* over *work* and *production*? Contemporary political theorists as well as critical ethnic studies, black studies, and Native studies scholars and activists analyze how racial slavery and settler colonialism provide the material and territorial foundation for U.S. and Canadian sovereignty. Rather than casting slavery and Native genocide as temporally circumscribed events that inaugurated the birth of capitalism in the New World ("primitive accumulation"), they show how the racial logics produced by these processes persist to this day:

> In order to recuperate the frame of political economy, a focus on the dialectic of racial slavery and settler colonialism leads to important revisions of Karl Marx's theory of primitive accumulation. In particular, Marx designates the transition from feudal to capitalist social relations as a violent process of primitive accumulation whereby "conquest, enslavement, robbery, murder, in short, force, play the greatest part." For Marx, this results in the expropriation of the worker, the proletariat, who becomes the privileged subject of capitalist revolution. If we consider primitive accumulation as a persistent structure rather than event, both Afro-pessimism and settler colonial studies destabilize normative conceptions of capitalism through the conceptual displacements of the proletariat. As Coulthard demonstrates, in considering Indigenous peoples in relation to primitive accumulation, "it appears that the history and experience of dispossession, not proletarianization, has been the dominant background structure shaping the character of the historical relationship between Indigenous peoples and the Canadian state." It is thus dispossession of land through genocidal elimination, relocation, and theft that animates Indigenous resistance and anticapitalism and "less around our emergent status as 'rightless proletarians.'" If we extend the frame of primitive accumulation to the question of slavery, it is the dispossession of the slave's body rather than the proletarianization of labor that both precedes and exceeds the frame of settler colonial and global modernity.[13]

As Iyko Day notes, Native dispossession occurs through the expropriation of *land*, while black dispossession is characterized by enslavement and *bodily* dispossession. Although both racial logics buttress white accumulation and are defined by a "genocidal limit concept" that constitutes these subjects as disposable, Day notes that "the racial content of Indigenous peoples is the mirror opposite of blackness. From the beginning, an eliminatory project was driven to reduce Native populations through genocidal wars and later through statistical elimination through blood quantum and assimilationist policies. For slaves, an opposite logic of exclusion was driven to increase, not eliminate, the population of slaves."[14]

A debate has ensued in critical ethnic studies about which axis of dispossession is capitalism's condition of possibility: the expropriation of Native land or chattel slavery? Was the U.S. made possible primarily by unbridled access to black labor, or through territorial conquest? Is the global racial order defined—as Day writes—primarily by the indigenous-settler binary or the black-nonblack binary? At stake in this debate is the question of which axis of dispossession is the "base" from which the "superstructures" of economy, national sovereignty, or even subjectivity itself emerge. Those who argue that settler colonialism is central have sometimes made the claim that even black Americans participate in settler colonialism and indigenous displacement by continuing to live on stolen land, while those who center slavery and antiblackness have sometimes viewed Native Americans as perpetrators of antiblackness insofar as some tribes have historically owned slaves and seek state recognition by making land-based claims to sovereignty—a claim that relies on a political grammar that black Americans do not have access to, as slaves were rent from their native lands when they were transported to the Americas (see Jared Sexton's "The Vel of Slavery"). Although weighing in on this debate is beyond the scope of this essay, I generally agree with Day's assertion that to treat this set of issues as a zero-sum game obfuscates the complexity of these processes. With that said, it is important to note that this book deals primarily with the antiblack dimensions of prisons, police, and racial capitalism, though I acknowledge that analyses of settler colonialism are equally vital to understanding the operations of racial capitalism and how race is produced through multiple expropriative logics.

Gendered Expropriation

Though this book focuses primarily on black racialization in a contemporary context, it is worth noting that expropriation reproduces multiple categories of difference—including the man-woman gender binary. Although categories of difference were not invented by capitalism, expropriative processes assign particular meanings to categories of difference. "Woman" is reproduced as inferior through the unwaged theft of her labor, while the esteem of the category of "man" is propped up by the valorization of his labor. Even when women are in the professional workforce, they are still vulnerable to expropriation when they are given or take on work beyond their formal duties —whether it's washing the dishes at the office, mentoring students, or doing thankless administrative work while male colleagues get the "dysfunctional genius" pass. But above all, gendered expropriation occurs through the extraction of care labor, emotional labor, as well as domestic and reproductive labor—all of which is enabled by the enforcement of a rigid gender binary. This system is propped up by gender socialization, which compels women to psychologically internalize a feeling of responsibility for others.

Although, at a glance, it might seem that the expropriation of women's labor happens primarily through housewifization, the marriage contract, and the assignment of child-care duties to women, in the current epoch—characterized by an aging baby boomer population and a shortage of geriatric health-care workers—women are increasingly filling this void by taking care of sick parents, family members, and loved ones. It is hardly surprising that two-thirds of those who care for those with Alzheimer's disease are women, even as women are the primary victims of this disease. Given that women's lives are often interrupted by both childcare duties and caring for ailing family members, it's also hardly surprising that women accumulate many fewer assets and are more likely to retire into poverty than their male counterparts. A recent report found that the European Union gender pension gap was 40 percent, which far exceeds the gender pay gap of 16 percent. Overall, gender is a material relation that, among other things, bilks women of their futures. The aged woman who has toiled by caring for others is left with little by the end of her life. Though gender distinctions are maintained through expropriative processes, they also have consequences beyond the economic and material realm. While it could be said that *disposability* is the logic that corresponds to

racialized expropriation, gendered subjectivation has as its corollary *rapeability*. It also goes without saying that these expropriative logics are not mutually exclusive, as nonwhite women and gender-nonconforming people may be subject to a different set of expropriative logics than white women.

Racialized Expropriation

Although I do not claim that expropriation should be defined exclusively as racialization (again, because different expropriative logics reproduce multiple categories of difference), this book deals primarily with the antiblack racial order that is produced by late-capitalist accumulation. Michael C. Dawson and Nancy Fraser are two contemporary political theorists who have defined expropriation as a racializing process in capitalist societies. In "Hidden in Plain Sight," Dawson takes Fraser to task for not acknowledging racialized expropriation as one of the "background domains" of capitalist society. Understanding the logic of expropriation, in his view, is necessary for understanding which modes of resistance are needed at this historical juncture. His article begins with a meditation on the question: Should activists and movements such as Black Lives Matter focus on racialized state violence (police shootings, mass incarceration, and so forth), or should they focus on racialized inequality caused by expropriation and exploitation? What is the relationship between the first logic—characterized by *disposability*—and the second logic—characterized by *exploitability* and *expropriability*? Rather than describing these logics as distinct forms of antiblack racism, he analyzes them as two dimensions of a dynamic process whereby capitalist expropriation generates the racial order by fracturing the population into superior and inferior humans:

> Understanding the foundation of capitalism requires a consideration of "the hidden abode of race": the ontological distinction between superior and inferior humans—codified as race—that was necessary for slavery, colonialism, the theft of lands in the Americas, and genocide. This racial separation is manifested in the division between full humans who possess the right to sell their labor and compete within markets, and those that are disposable, discriminated against, and ultimately either eliminated or superexploited.[15]

Black racialization, then, is the mark that renders subjects as suitable for—on the one hand—hyper-exploitation and expropriation, and, on the other hand, annihilation. Before the neoliberal era, the racial order was propped up by the

state, and racial distinctions were enforced through legal codification, Jim Crow segregation, and other formal arrangements. In a contemporary context, though the legal regime undergirding the racial order has been dismantled, race has maintained its dual character, which consists of "not only a probabilistic assignment of relative economic value but also an index of differential vulnerability to state violence."[16] In other words, vulnerability to hyper-exploitation and expropriation in the economic domain and vulnerability to premature death in the political and social domains. My essay on the Ferguson Police Department and the city's program of municipal plunder is an attempt to make visible the hidden backdrop of Mike Brown's execution: the widespread racialized expropriation of black residents carried out by the criminal justice arm of the state. It is not just that Mike Brown's murder happened alongside the looting of residents at the behest of the police and the city's financial manager, but that racial legacies that have marked black residents as lootable are intimately tied to police officers' treatment of black people as killable. The two logics reinforce and are bound up with each other.

In her response to Dawson's analysis of racialization as expropriation, Fraser develops Dawson's claims by looking at the interplay between economic expropriation and "politically enforced status distinctions."[17] Not only does accumulation in a capitalist society occur along the two axes of exploitation and expropriation, but one makes the other possible in that the "racialized subjection of those whom capital expropriates is a condition of possibility for the freedom of those whom it exploits."[18] In other words, the "front story" of free workers who are contracted by capitalists to sell their labor-power for a wage is enabled by, and depends on, expropriation that takes place outside this contractual arrangement. Fraser further extends Dawson's analysis by offering a historical account of the various regimes of racialization. In her analysis of the "proletarianization" of black Americans as they migrated from the South to industrial centers in the North and Midwest during the first half of the twentieth century, she points out that even in the context of industrial "exploitation," the segmented labor market was organized such that a "confiscatory premium was placed on black labor." Black industrial workers were paid less than their white counterparts. In some sense, the racialized gap in earnings can be thought of as the portion that was expropriated from black workers. It is not as though the black laborers who joined the ranks of the

industrial proletariat were newly subjected to exploitation rather than expropriation, but that these two methods of accumulation were operating in tandem.

In the "present regime of racialized accumulation"—which she refers to as "financialized capitalism"—Fraser notes that there has been a loosening of the binary that has historically separated who should be subjected to expropriation from who should be subjected to exploitation, and that during the present period, debt is regularly deployed as a method of dispossession:

> Much large-scale industrial exploitation now occurs outside the historic core, in the BRICS countries of the semi-periphery. And expropriation has become ubiquitous, afflicting not only its traditional subjects but also those who were previously shielded by their status as citizen-workers. In these developments, debt plays a major role, as global financial institutions pressure states to collude with investors in extracting value from defenseless populations.[19]

While I agree with Fraser's claim that the "sharp divide" between "expropriable subjects and exploitable citizen-workers" has been replaced by a "continuum" (albeit a continuum that remains racialized), I would add that the existence of poor whites who have fallen out of the middle class or have been affected by the opiate crisis at the present juncture represents *not* racial progress for black Americans, but the generalization of expropriability as a condition in the face of an accumulation crisis. In other words, immiseration for all rather than a growing respect for black Americans. Fraser rightly points out that "expropriation becomes tempting in periods of crisis."[20] Sometimes the methods of accumulation that were once reserved exclusively for racialized subjects bleed over and are used on those with privileged status markings.

If expropriation and exploitation now occur on a continuum, then it has been made possible, in part, by late capitalism's current modus operandi: the probabilistic ranking of subjects according to risk, sometimes indexed by a person's credit score. As I will demonstrate in the coming sections, this method is not a race-neutral way of gleaning information about a subject's personal integrity, credibility, or financial responsibility. It is merely an index of already-existing inequality and a way to distinguish between which people should be expropriated from and which should be merely exploited.

Race and the Debt Economy

> *I have seen a black farmer fall in debt to a white storekeeper, and that storekeeper go to his farm and strip it of every single marketable article,—mules, ploughs, stored crops, tools, furniture, bedding, clocks, looking-glass,—and all this without a warrant, without process of law, without a sheriff or officer, in the face of the law for homestead exemptions, and without rendering to a single responsible person any account or reckoning.*
>
> —W. E. B. Du Bois[21]

> *Here in 1890 lived ten thousand Negroes and two thousand whites. The country is rich, yet the people are poor. The key-note of the Black Belt is debt; not commercial credit, but debt in the sense of continued inability on the part of the mass of the population to make income cover expense.*
>
> —W. E. B. Du Bois[22]

When observing the economic life of the United States, we see that at every historical juncture, debt has been racialized. During the antebellum period whites used slaves as collateral when taking out loans. As W. E. B. Du Bois highlights in *The Souls of Black Folk*, after slavery was abolished, debt was a racialized regime of social control that was enabled by the tenant farming system. As black sharecroppers left the agricultural sector in the South to join the industrial workforce, debt migrated from the point of production to the point of consumption. Dawson and Megan Ming Francis write:

> A *difference* between the crushing debt of the Jim Crow era and the current neoliberal racial order is that debt during the previous era was tied to blacks' roles as *producers* in the economy —specifically, first as agricultural workers (primarily sharecroppers) and then during Jim Crow as industrial-sector urban workers (heavily concentrated in unionized manufacturing). In this era, the debt is primarily tied to blacks' roles as *consumers*.[23]

The authors also note that, as urban manufacturing jobs left the inner cities, the displacement of black American workers further intensified black dependency on consumer credit: between 1970 and 1991, black labor force participation dropped from 63 percent to 49 percent. Recent data that shows overall low unemployment among black Americans (though black unemployment is still high relative to white unemployment) is skewed because such data fails to account for black displacement from the waged labor force caused by mass incarceration. Although racial disparities exist in the various domains of consumer debt, indebtedness as an economic and social condition is becoming a generalized condition in the U.S. However—as I have already emphasized—the form of credit available to people varies based on their race, place of residency, and class status.

Student Debt

At a glance, the domain of student loans might appear to be equal and nondiscriminatory, but a racial debt gap exists in this domain as well. Federal student loans—seemingly not designed to be predatory—facilitate predation when black borrowers are disproportionately tracked into expensive, unaccredited, for-profit colleges. The recent sharp increase in the cost of tuition even at public universities (exacerbated by funding cuts) has also contributed to the racial student debt gap, where black and Latinx students graduate with greater debt loads than whites.

There are a number of reasons why an analysis of the debt economy using the framework of racial capitalism should focus on student loans and the racial student debt gap. Excluding mortgages, student loans make up the largest portion of consumer debt (exceeding that of credit cards and auto loan debt). In recent years, the composition of household debt has been changing such that mortgage debt is decreasing while student debt is increasing. Given the rapid explosion of the student debt load, it is hardly surprising that student loans have the highest delinquency rate of any form of credit. When a student loan goes into default, the borrower's credit score will take a hit. Even for federal loans, a missed payment could have a negative impact on someone's credit score in about ninety days. But this is only the beginning of the potentially lifelong nightmare that is set into motion by student debt. The high delinquency rate would not only negatively affect what form of credit these people would have access to in the future (as well as their interest rates), but also their employment and housing prospects. In 2010, the Society for Human Resource Management found that 60 percent of employers surveyed ran credit checks when screening applicants, though in recent years some places have begun to outlaw this practice.[24] Thus, bad credit caused by student loan defaults can lead to exclusion from the labor market. The paradoxical nature of this maddening scenario is not lost on me: students borrow money to get degrees that are supposed to increase their employment prospects, only to become trapped in an endless cycle of debt that can destroy their financial futures and actually decrease their employment prospects. This could jump-start a process where, as a struggling borrower's credit score worsens, employment prospects grow ever distant, along with the possibility of repaying

the loans and improving credit scores. To make matters worse, it's basically impossible to wipe out student debt through filing for bankruptcy, which means that someone deep in the hole would have no way to reset their finances. These borrowers can also look forward to the federal government garnishing their Social Security checks as they age.

Student loans are also a powerful mechanism of social control because they track people into the debt regime at a young age—essentially, at the very moment they become adults. Significant class-based asymmetries exist between borrowers from financially "literate" households and borrowers from financially "illiterate" households. Such asymmetries could fracture borrowers into two camps: those who have the familial support, material means, or financial literacy to manage their student loans would be put on the path to potential wealth accumulation, while those who can't keep up with payments or lack knowledge about how to manage student loans would be put on the path to future economic marginalization. But even the first path has been partly obstructed by debt collection agencies such as Navient—the largest student debt collector in the country—which has a history of deliberately losing payments, preventing low-income students from getting on income-based payment plans, and obstructing disabled borrowers from getting their loans wiped.

Almost daily, new scandals emerge across all domains of borrowing. This points to an accumulation crisis that companies and lending institutions are trying to stave off through fraud, manipulation of interest rates, the automatic charging of fees, debt collection harassment, and naked expropriation.

Municipal Indebtedness

A racialized form of debt that is prevalent in black-majority cities across the country is criminal justice debt. Types of criminal justice debt include:

> (1) Fines and assessments that are levied with a punitive purpose, (2) penalties levied with a restitution purpose, and (3) assessments levied by jails and other criminal justice agencies with a public cost-recovery purpose. The latter category includes (i) pre-conviction assessments, such as jail book-in fees, levied at the time of arrest, jail per diem fees and public defender application fees; (ii) post-conviction fees, such as a presentence report fee that helps defray the cost of gathering information, public defender recoupment fees, residential fees and cost of prison housing; (iii) post-release fees, such as monthly supervision fees, i.e. parole and probation fees.[25]

In addition to court-related fines and fees, municipal debt accrues to subjects who are routinely fined and ticketed by the police. This type of debt is deployed neither for production nor consumption, but at *the point of policing*. You could also call these legal financial obligations a *racial surtax*; it is a form of extraction that funds the very government activities that are engaged in expropriating from black residents. Criminal justice debt affects not only the individuals ensnared in the criminal justice system but also their family members and loved ones, who sometimes go into debt to pay for criminal justice–related fees and fines, or to communicate with and financially support incarcerated loved ones. Over the last couple of years, galvanized by the Department of Justice investigation of the Ferguson Police Department, activists and lawyers have begun to contest the use of the police and the courts to generate revenue to cover the cost of government operations or to pay municipal bondholders.

Although debtors' prisons were outlawed in 1833, lawyers across the country have filed lawsuits claiming that these municipal fine farming practices amount to debtors' prison. *The Atlantic* found that 95 percent of outstanding arrest warrants are from unpaid fines.[26] In Texas, a staggering 650,000 people are locked up for failing to pay fines, though a court justice ruled that the jailing of indigent people for failing to pay fines must cease by September 1, 2017. The city of New Orleans recently waived $1 million in court fees with the hope of avoiding a federal civil rights lawsuit. In New Orleans, judges were also financially incentivized to find defendants guilty. I will return to this issue in greater depth in the next chapter, but for now I want to emphasize that this method of extracting revenue from black residents is not just limited to a few outlier cities such as New Orleans or Ferguson—*it is a systematic institutional practice*. A recent study that examined data for more than nine thousand U.S. cities found that "the use of fines as revenue is common and that it is robustly related to the share of city residents who are black."[27] The racial discrepancy in the use of police fines to generate revenue was partially (but not completely) mitigated by black political representation and the presence of black people on city councils.

Racialized Mortgage Debt: From Redline to Subprime

In the last few decades there has been a lending paradigm shift in relation to black mortgage borrowing. Between 1934 and 1968, when the U.S. was rapidly suburbanizing, black Americans were largely excluded as borrowers. Federal Housing Administration (FHA) mortgage insurance loans that enabled the suburbanization of white America and the building of the white middle class systematically barred black Americans from the most common path to wealth accumulation: homeownership. The policies of the FHA fostered racial segregation and codified racism on the institutional level by granting loans to borrowers moving to new neighborhoods on the periphery of cities and barring black borrowers in the inner city. The term "redlining" refers to the practice of using red lines to mark the boundaries of neighborhoods considered "risky" and thus unfit for investment by financial institutions. These zones were left to languish while white Americans rapidly fled cities and moved to the suburbs.

Eventually this paradigm shifted when risk itself was commodified through risk-adjusted mortgage rate pricing. In the years leading up to the 2008 housing market crash, black and Latinx borrowers who wanted to buy houses were targeted for subprime mortgage loans by lending institutions—which marks a move away from *financial exclusion* to *expropriation through financial inclusion*. This transition was facilitated by support for "market" solutions to structural problems: in particular, a belief in the idea that the racial wealth gap could be closed through the expansion of credit access. Yet these loans were not designed to offer a path to homeownership for black and brown borrowers; they were a way of converting risk into a source of revenue, with loans designed such that borrowers would ultimately be dispossessed of their homes.

The standard, ideological narrative of the 2008 subprime mortgage crisis goes something like this: blacks and Latinxs clamored for access to mortgage loans but were unable to pay them back because they're too irresponsible or poor. Thus, they are not victims swindled by financial institutions, but the *cause of the crisis itself*. Another more "benevolent" reading of the crisis is that these demographics lacked the financial literacy to make smart choices when it came to taking out loans to buy houses. But both narratives fail to consider that subprime mortgages and mortgage-backed securities were a way for banks to generate revenue through financial speculation.

There is ample evidence that the banks committed racialized fraud during the lead-up to the crisis. In the years since the 2008 subprime mortgage crisis, a

series of investigations into the lending practices of such banks as Bank of America, Wells Fargo, Citigroup, and the National City/PNC bank revealed the extent to which these banks were engaged in predatory practices by using race as a "central factor in determining higher fees and interest rates during the housing boom."[28] The authors go on to note that a DOJ investigation found that even when controlling for income and other factors, "highly qualified black borrowers were four times as likely, and Latino borrowers three times as likely, to receive a subprime loan from Wells Fargo."[29] However, there are subtle ways in which Francis and Dawson's reference to the "highly qualified black borrowers" who were bilked by banks like Wells Fargo capitulates to a moral framework where deserving black borrowers are implicitly distinguished from high-risk, undeserving black borrowers. Although the intention behind highlighting qualified black borrowers may have been to emphasize that these lending practices were racialized and did not correspond to actual risk, such comments, though factually true, validate risk-based credit pricing as a legitimate and rational practice, so long as it is not racist. Yet legitimizing the practice of indexing people by risk renders structural inequality invisible and casts high-risk borrowers as irresponsible and amoral for failing to make good on their promise to pay back loans. Rather than challenging the explosion of the debt economy as a whole and viewing it as a symptom of a broader accumulation crisis, it turns a structural problem into an individualized moral problem and overlooks the ways in which racialized inequality increases the likelihood that black Americans are targeted for and exposed to predatory forms of credit (designed to fail) that would increase their likelihood of being sorted into the high-risk pool.

The Content of Your Creditworthiness and Not the Color of Your Skin: Risk and the New Color-Blind Racism

The use of the FICO credit score to determine loan pricing, which began in 1989 and took off in the 1990s, was viewed as a positive step toward enabling those who were formerly excluded from credit markets to access consumer credit. The scores would enable black Americans to participate in the system, albeit sometimes as high-risk borrowers. While the practice of redlining is now viewed as unfair and blatantly racist, risk-adjusted credit pricing—so long as it

corresponds to a person's *actual* risk—is seen as fair. However, the practices that were used during the lead-up to the 2008 crisis were viewed as unfair because they relied on racial stereotypes to determine risk rather than individuals' actual risk. Thomas Perez, the assistant attorney general for the DOJ Civil Rights Division, said, "People with similar qualifications should be treated similarly. They should be judged by the content of their creditworthiness and not the color of their skin."[30] In this view, the solution is to eliminate human bias in lending practices as well as to eliminate mortgage industry strategies and a discriminatory banking culture that target blacks and Latinxs for bad loans. However, the idea that people should be "judged by the content of their creditworthiness and not the color of their skin" capitulates to the association of creditworthiness with moral rectitude and responsibility. In other words, according to this view, good credit equals good character. Having a bad credit score is seen as a moral failing rather than merely an index of structural inequality. The "content of your creditworthiness" view also implicitly supports the idea that subprime lending is a justified and rational market practice to apply to (actual) high-risk borrowers. I hold that risk is a new color-blind racism, for it enshrines already-existing social and economic inequalities under the guise of equality of opportunity. When thinking about risk, we should ask ourselves if market mechanisms will have the capacity to redress hundreds of years of structural inequality. To accept risk scores as an index of personal competency is to embrace a liberal politics of personal agency, where those who work hard to maintain good credit get what they deserve.

Furthermore, risk scoring is a practice that fractures the population into the categories of *deserving* and *undeserving*. When a subject bears the marker of "high-risk borrower," they are treated as fit for predation and expropriation. The use of expropriative credit instruments on high-risk borrowers does not register as a scandal because of the ways in which debt has historically been framed in terms of morality. David Graeber illustrates how this framework operates using a memorable anecdote in the first chapter of his book *Debt: The First 5,000 Years*. He describes a conversation he had at a party about Third World debt with a stranger who was a socially-conscious lawyer:

> "But what was *your* position?" the lawyer asked.
>
> "About the IMF? We wanted to abolish it."

"No, I mean, about the Third World debt."

"Oh, we wanted to abolish that too. … The more long-term aim was debt amnesty. Something along the lines of the biblical Jubilee. As far as we were concerned," I told her, "thirty years of money flowing from the poorest countries to the richest was quite enough."

"But," she objected, as if this were self-evident, "they'd borrowed the money! Surely one has to pay one's debts."

…

Where to start? I could have begun by explaining how these loans had originally been taken out by unelected dictators who placed most of it directly in their Swiss bank accounts, and ask her to contemplate the justice of insisting that the lenders be repaid, not by the dictator, or even by his cronies, but by literally taking food from the mouths of hungry children. Or to think about how many of these poor countries had actually already paid back what they'd borrowed three or four times now, but that through the miracle of compound interest, it still hadn't made a significant dent in the principal. I could also observe that there was a difference between refinancing loans, and demanding that in order to obtain refinancing, countries have to follow some orthodox free-market economic policy designed in Washington or Zurich that their citizens had never agreed to and never would, and that it was a bit dishonest to insist that countries adopt democratic constitutions and then also insist that, whoever gets elected, they have no control over their country's policies anyway. Or that the economic policies imposed by the IMF didn't even work. But there was a more basic problem: the very assumption that debts have to be repaid.

Actually, the remarkable thing about the statement "one has to pay one's debts" is that even according to standard economic theory, it isn't true. A lender is supposed to accept a certain degree of risk.[31]

For many, it is not the immorality of creditors' lending practices that are called into question, but the immorality of borrowers who cannot or do not pay back their loans. This example also draws my attention to how power asymmetries affect the terms of credit, and how the lenders always have the upper hand and are incentivized to exploit people. They are the ones designing the debt instruments, they have a profit motive, and they are in possession of something that borrowers need: money. One might ask—can't these borrowers reject bad terms by refusing to borrow from unfair lending institutions? This is not possible in an economic context where wages in some sectors (e.g., the service sector) are below subsistence level, or in regions where the local economy is doing so poorly that people cannot find employment at all and so must borrow money to consume goods.

The idea that people have a moral obligation to make good on their promise to pay their debts is partly tied to the idea that freedom means personally bearing the risks of your actions and decisions. At the same time—beginning with seventeenth-century maritime trade insurance—instruments

have been developed to off-load risk onto financial institutions. In *Freaks of Fortune*, the historian Jonathan Levy writes:

> The thread that runs most consistently through risk's history is a moral one. […] A generation —financiers, abolitionists, actuaries, jurists, preachers, legislators, corporate executives, philosophers, social scientists—developed a vision of freedom that linked the liberal ideal of self-ownership to the personal assumption of "risk." In a democratic society, according to the new gospel, free and equal men must take, run, own, assume, bear, carry, and manage personal risks. That involved actively attempting to become the master of one's own personal destiny, adopting a moral duty to attend to the future. Which meant taking risks. But it also meant offloading one's risk onto new financial corporations—like when a wage worker insured his productive labor against workplace accident, an ex-slave opened a savings account, or a Wall Street financier hatched a corporate profit-sharing and employee benefit plan. A new vision of what it meant to be a free and secure actor thus took shape in the new material and psychological reality created by the modern American corporate financial system.
>
> Liberal notions of selfhood had long emphasized the need for self-mastery, even in the face of uncertainty. But only in the nineteenth century did self-ownership come to mean mastery over a personal financial "risk." The moral conundrum that posed, and still poses, is that individual freedom required a new form of dependence. A dependence, that is, upon a new corporate financial system, the central nervous system of a rising capitalism that fed off radical uncertainty and ceaseless change.
>
> Therefore corporate risk management time and again manufactured new forms of uncertainty and insecurity.[32]

The financial instruments that have proliferated as of late are designed to manage risk and convert risk into a tradable commodity. Consider, for instance, how derivatives markets work. Let's take a brief look at the financial instruments that were popular during the lead-up to the 2008 crash: the mortgage-backed security (MBS) and the collateralized debt obligation (CDO). First, people took out mortgages, mostly from nonbank private entities and banks (nonbank private lenders such as Quicken Loans have taken over this market since the crash). Financial institutions then pooled these mortgages to create "securities" that are divided into "tranches." Imagine a building that is, say, five stories high. This building represents the payment structure of the mortgage-backed securities. People who purchased bonds from the top tranche would be paid first, while people who purchased bonds from the bottom tranche would be paid last. The bonds from the top floor (tranche) might be rated AAA, while the subsequent descending floors might be rated AA, A, BBB, BB-, or junk.

Why would anyone buy bonds from the lower tranches if they are considered riskier? High-risk bonds enable bondholders to collect more

revenue because the "yield" (interest revenue from an investment) is higher on poorly rated bonds than on low-risk bonds. Bonds from the AAA-rated tranche might have a yield of 5 percent, while bonds from the junk-rated bottom tranche might have a yield of 20 percent.

A CDO is a structured financial product that is backed by non-prime MBSs. It is created by pooling the lowest-rated bottom tranches of MBSs and repackaging them. One way to think of it: you take the junk from the bottom floors of, say, eight buildings and dump that junk into another building that is similarly divided into tranches that are rated. If everyone is paying their mortgages on time, the money would theoretically trickle down to the bottom tranches, then to the CDOs, and possibly even to the CDO-squared—a financial product that is created by pooling the junk-rated tranches of CDOs. In other words, you take the junk of the MBSs to make CDOs, then you take the junk of the CDOs to make CDO2s. The idea is that pooling mortgages and allowing shareholders to take on the level of risk they feel comfortable with would reduce the overall risk for everyone (as the risk would be spread thin). Investors gobbled up these financial products en masse, assuming that even if some people here and there defaulted on their mortgages, at the very worst, people who held AAA-rated bonds would still get paid. However, the mortgages that formed the foundation of this financial meta-structure were designed to maximize revenue by tracking so-called "risky" borrowers into mortgages with free-floating interest rates that would balloon as soon as the "hook" rate expired. These mortgages were designed such that they would almost inevitably fail. As the amount due skyrocketed, borrowers would go into default and their houses would be foreclosed. When the payments stopped coming, the whole financial meta-structure erected on these underlying assets collapsed in on itself, and as large financial institutions held these toxic financial assets, the whole banking system began to crumble. In short, what those who designed these derivative financial products essentially did was take an underlying asset, hold it between two mirrors so that it appeared to proliferate to infinity, then mistake the multiplied reflection for the creation of new wealth.

The financial sector is not risk-averse; when there is a shortage of new domains for investment or when the interest rates set by the Federal Reserve are low, risk becomes a last-ditch method of capitalization. While the high yield on risky investments can make risk enticing for hedge funds during

times of crisis, risk may also be enticing during boom periods because the market appears to be very stable. Risky investments bring with them the promise of rapid wealth expansion, while safe investments mature at a much slower pace. Beginning with Alan Greenspan, the Federal Reserve has followed the monetary policy of setting interest rates low as a way to heat up the economy, enabling banks and other financial institutions to access cheap money. However, as the business press often reports, this increases investors' appetite for risk, as they seek to overcome low returns on bonds by seeking out risky, high-yield investments.

Riskier investments have higher yields because those making the investments are supposedly taking on the risk burden. That is not the case when the state apparatus expropriates from the masses to facilitate the transfer of wealth to the financial sector when their investments fail (the Puerto Rican debt crisis is an example of this). When considering the millions of people who lost their homes in the wake of the 2008 housing crisis, it is no stretch to say that expropriation is the hidden underside of our financialized economy of risk.

The Racialization of Risk

As I hope some of my examples have illustrated, finance capital is incentivized to increase the pool of people marked risky because this practice is more lucrative. Not only were those who tracked people into subprime mortgages given bonuses, but so-called risky borrowers also borrow at much higher interest rates: "For a homeowner taking out a $165,000 mortgage, a difference of three percentage points in the loan rate—a typical spread between conventional and subprime loans—adds more than $100,000 in interest payments."[33]

Tony Paschal, a former mortgage loan officer at Wells Fargo bank, said that loan officers "received cash incentives to aggressively market subprime loans in minority communities." Black borrowers were referred to by Wells Fargo employees as "mud people," and the subprime loans the bank was pushing were referred to as "ghetto loans." Both Paschal and another former loan officer, Beth Jacobson, said that the bank gave bonuses to loan officers who steered those who qualified for prime loans into subprime loans. A *New York Times* article reported, "Jacobson said that she made $700,000 one year and

that the company flew her and other subprime officers to resorts across the country."[34] An investigation that led to a federal lawsuit also found that loan officers sometimes falsified borrowers' credit reports or failed to collect income documentation so the loans would flip from prime to subprime.

Given that lending institutions are incentivized to charge the highest possible interest rate they can, recent scandals—revealing that banks and debt collection companies have been manipulating interest rates to boost revenue—are almost expected. Navient Corporation—the largest student loan collection agency in the United States—committed fraud en masse to keep people trapped in a cycle of debt, adding as much as $4 billion in interest rate charges to students' loans. The cases of Wells Fargo and Navient are not a deviation from the norm of good and fair lending practices; they represent a tendency inherent in capitalism itself. As finance capital's accumulation crisis intensifies, fraud and predation become a way to secure profits and maintain growth as there are fewer and fewer domains for expansion. Thus it is hardly surprising that in addition to Wells Fargo's racist subprime mortgage lending practices, the bank also opened up nearly two million sham credit cards and bank accounts, tampered with mortgage loan rates without borrowers' consent, and created unnecessary insurance charges to tack onto auto loans. The proliferation of hidden fees and charges is a symptom of this crisis, especially as banks play an increasingly expansive role in the consumer lives of Americans. Large corporations have become financial institutions in themselves and have taken over the traditional role of banks; namely, to lend capital to the private sector for the purpose of starting or growing a business (thus, banks must develop new ways to generate revenue). Since Wells Fargo exhausted all the "legitimate" ways to grow its business, a semblance of growth was created by literally fudging the numbers and using fraudulent surcharges and interest-rate manipulation to generate revenue.

As I have already mentioned, the credit system is legitimized by the moral framework that shapes our understanding of debt—whereby the creditor is framed as benevolent while the struggling debtors are viewed as lazy or irresponsible for defaulting on their loans. However, as lending practices become more predatory, this moral framework is at risk of unraveling. If predatory practices ever become fully generalized (in that they affect most people), such practice may eventually register as a scandal among the public.

Perhaps that is why the most predatory practices—at least in the initial stages—are reserved for the most vulnerable segments of the population (it was specifically people of color, the elderly, students, and immigrants who were targeted by Wells Fargo for sham accounts).

The racist practice of targeting of black people (as well as Native Americans, Latinxs, and immigrants) for predatory loan products is coded in a color-blind discourse of "risk." The subprime crisis showed us that in the U.S., creditworthiness itself is racialized, as there was an a priori association of blackness with risk. This is consistent with the general moral construction of race, which is under-girded by the assumption that black Americans are immoral (read: *criminal*) and that they don't contribute to society or make good on social promises (read: *lazy* and *welfare-dependent*). Critiques of the subprime crisis that appeal to creditworthiness and are focused on "highly qualified" black borrowers fail to deconstruct the racialized moral economy that underlies conceptions of risk. Not only does the credit system reinforce racial inequality, but moneylending itself is a racializing process, for it marks certain subjects as suitable for expropriation.

The debt economy's moral edifice will hold so long as the population is fractured into deserving and undeserving borrowers, and the most predatory credit instruments are reserved for the most vulnerable segments of the population. However, as capitalism generally tends toward expansion, it is only a matter of time before these practices are generalized (as growth opportunities shrink). Indeed, in many areas of lending, we are already witnessing the generalization of these practices.

Given the expropriative and racist nature of the credit system, it is credit unworthiness and not creditworthiness that is the ethical position to occupy. A refusal to pay is a refusal to validate an illegitimate system propped up by predation.

2

Policing as Plunder: Notes on Municipal Finance and the Political Economy of Fees and Fines

Outstanding municipal debt held in bonds in the United States has reached over $3.7 trillion. In news reports on the fiscal crisis in Puerto Rico—which came to a head in August 2015 when the government defaulted on a $58 million bond payment—journalists note that impending fiscal crises may be on the horizon for many municipalities and states in the U.S. "Across America, dozens of cities, counties and states may be heading down the same financial rabbit hole. Illinois, New Jersey, Philadelphia, St. Louis and Jacksonville, Fla., to name just a few, are all facing their own slowly unspooling financial disasters."[1] In the media, the cause of municipal and state budget crises is usually attributed to governmental profligacy: robust pension and health-care benefits for public employees, welfare programs, and labor unions are, according to this narrative, sapping government funds.

Local and state governments, we are told, simply do not have any money, and raising property taxes is not a viable political option. To complicate matters further, this problem is coming at a time when municipalities and states are also in dire need of infrastructural improvements. As exemplified in Flint, Michigan, money is needed to maintain and renovate water systems, as well as to chemically treat water that passes through aging lead pipes. Furthermore, one in ten bridges in the U.S. is structurally unsound and long overdue for repairs. In addition to funds needed for infrastructural projects, many economists are predicting that a "pension crisis" will occur as the baby boomer generation retires. According to *The Journal of Economic Perspectives* and the PEW Center on the States, in the U.S., pension programs are

underfunded by an estimated $1 trillion to $3.23 trillion (with city and municipal pensions needing an estimated $574 billion).

But can the looming state and municipal fiscal crises be reduced solely to governmental profligacy and deferred costs? By framing the problem this way, the implicit solution posed is to cut back on public spending and embrace austerity measures that disproportionately affect poor people, which is what happened in 2013 when Detroit filed for bankruptcy. In this essay I will examine how finance operates on the municipal level. What are the causes of the urban fiscal crisis? How will cities generate revenue to meet their contractual obligations to bondholders? Who will suffer if (or when) local governments go bankrupt or default on loans? What mechanisms will be used to generate revenue? How will the fiscal crises affect the lives of people on the ground?

The financialization of municipalities, the loss of key tax revenue streams, deindustrialization, and capital flight are the causes of the fiscal crisis—not reckless public spending. The situation has led to the deployment of socially deleterious methods of revenue extraction that target vulnerable populations, particularly poor black Americans. I will focus specifically on how municipal police departments, and the Ferguson Police Department in particular, use fee and fine farming to generate revenue. Next, I will examine the social consequences of this method of revenue extraction. Although revenue is not a form of capital per se, I will analyze how, given that municipal affairs have been thoroughly financialized, revenue is indirectly used to subsidize the process of capitalist accumulation.

Fees and Fines: Social Nightmares

In September 2015, Judge Marvin Wiggins of Perry County, Alabama, addressed a courtroom packed with people who owed fines or fees: "Good morning, ladies and gentlemen," he began. "For your consideration, there's a blood drive outside. If you don't have any money, go out there and give blood and bring in a receipt indicating you gave blood."[2] According to a *New York Times* article, the judge went on to note that "the sheriff has enough handcuffs" for those who did not want to give blood and could not afford to pay off their fees and fines. Offenders were told to go to a mobile blood bank parked outside the courthouse and to bring a receipt to the clerk proving they had

donated a pint of blood. In exchange, offenders would "receive a $100 credit toward their fines." Campbell Robertson writes, "Payment-due hearings like this one are part of a new initiative by Alabama's struggling courts to raise money by aggressively pursuing outstanding fines, restitution, court costs and lawyer fees. Many of those whose payments are sought in these hearings have been found at one point to be indigent, yet their financial situations often are not considered when they are summoned for outstanding payments."[3] The relationship between municipal governments and the public has become so parasitic (or perhaps *vampiric* would be more appropriate here) that when the poorest of the poor have nothing left to give to struggling municipalities, they may be compelled to literally offer up their blood. Even when indigent offenders are not coerced by courts to donate blood (using the threat of jail time), those who are poor may resort to selling blood to pay outstanding fees and fines. A *Harvard Law Review* article titled "Policing and Profits" describes the case of Tom Barrett, a man from Augusta, Georgia, who was arrested in 2012 for stealing a can of beer. As a result of this offense, Barrett became ensnared in a web of fees and fines:

> When Barrett appeared in court, he was offered the services of a court-appointed attorney for a $80 fee. Barrett refused to pay and pled "no contest" to a shoplifting charge. The court sentenced Barrett to a $200 fine plus a year of probation. Barrett's probation terms required him to wear an alcohol-monitoring bracelet. Even though Barrett's sentence did not require him to stop drinking alcohol (and the bracelet would thus detect all the alcohol Barrett chose to drink with no consequences), he was ordered to either rent this bracelet or go to jail. The bracelet cost Barrett a $50 startup fee, a $39 monthly service fee, and a $12 daily usage fee. Though Barrett's $200 fine went to the city, these other fees (totaling over $400 a month) all went to Sentinel Offender Services, a private company.[4]

During this time, Barrett's sole source of income was from selling his blood plasma. He notes, "You can donate plasma twice a week as long as you're physically able to … I'd donate as much plasma as I could and I took that money and I threw it on the leg monitor."[5] Barrett, who began skipping meals to pay off his debts, eventually became ineligible to donate plasma because his protein levels were too low. After his debt to Sentinel ballooned to more than $1,000, the company obtained a warrant for his arrest, and Barrett was sent to jail for failing to pay off his debt. Increasingly, municipalities (and companies contracted by municipalities) are behaving like businesses, viewing residents as

potential sources of revenue, as well as viewing the generation of revenue via fines as a form of *productivity*.

"Policing and Profit" describes three ways that residents are used to generate revenue: 1) through usage fees imposed by criminal courts, 2) through private probation supervision, and 3) through civil forfeiture (the seizure of someone's property). The article pays particular attention to the role law enforcement plays in extracting revenue from the poor. Debt is imposed on residents through criminal proceedings. Private companies contracted by municipalities to provide probation "services" also have the power to impose more fees and fines. Thus, a situation has emerged where the government is essentially creating a captive market for companies providing probation supervision, which have very little oversight (companies are not even required to report their revenue).

In a *New York Times* op-ed, Thomas B. Edsall described this parasitic relationship to the poor as "poverty capitalism," though I would add it might be imprecise to call municipal revenue "capital," as the revenue collected covers government expenditures and does not directly facilitate the expansion of capitalist production. However, given that government bodies are increasingly reliant on credit to finance their activities (as tax collection has not grown to keep pace with expenditures), a growing portion of revenue is going toward making payments to creditors. Furthermore, municipalities are increasingly serving the interests of the private sector to the detriment of the people local governments are supposed to serve through their contracts with private companies. Government bodies outsource services to private companies as a way to cut costs and improve efficiency, but these deals often backfire when companies find a way to overcharge governments for services. Private-public partnerships in the arena of criminal justice can also give companies monopoly access to potential revenue streams. Edsall notes that Sentinel Offender Services, the company that oversaw the monitoring of Barrett's alcohol intake, has contracts with more than two hundred government agencies. Edsall also emphasizes that forcing the poor to bear the burden of funding municipal activities is politically appealing because the poor (and criminal offenders in particular) lack political power, and extracting revenue from disenfranchised people enables local governments to generate revenue without raising taxes. The social cost of the use of fees and fines to generate revenue is enormous. As Edsall notes, "This new system of offender-funded law enforcement creates a

vicious circle: The poorer the defendants are, the longer it will take them to pay off the fines, fees and charges; the more debt they accumulate, the longer they will remain on probation or in jail; and the more likely they are to be unemployable and to become recidivists."[6] In short, the poor become ensnared in a cycle of debt and incarceration that is difficult to overcome and can derail their lives in profound ways.

Derwyn Bunton, the chief of the public defender's office in New Orleans, describes how petty offenders fund the court system in New Orleans. In a *New York Times* editorial titled "When the Public Defender Says, 'I Can't Help'" Bunton notes that *fines and fees account for two-thirds of the public defender system's budget*, with the rest coming from the state. While Louisiana spends nearly $3.5 billion a year to "investigate, arrest, prosecute, adjudicate and incarcerate its citizens," less than 2 percent of that amount is spent on providing legal defense for indigent individuals.[7] The disproportionately high amount of money spent on prisons and police, when held against the meager amount set aside to legally defend poor individuals, reveals that when it comes to government expenditures, it is not so much a question of whether to spend or not, but of how government spending is distributed: Which activities are even legible as public expenses, and which expenditures are invisible because they cover activities that are considered the legitimate and necessary functions of the state?

In New Orleans, much of the money that goes toward funding public defenders comes from fines for traffic offenses and from poor people themselves in the form of court fees. As Bunton notes, "Poor people must pay $40 to apply for representation, and an additional $45 if they plead guilty or are found guilty. No other states lean so heavily on fines and fees paid mostly by the poor."[8] Given that Louisiana's budget is organized such that the New Orleans public defender's office must rely so heavily on fines from criminal proceedings, the revenue stream being tapped here simultaneously creates a higher demand for public defenders. The end result is a highly inefficient, clogged, and ineffective court system that is unable to provide adequate legal representation to poor people, who are in turn used to generate revenue. Bunton suggests that this might be one reason why "Louisiana has the nation's highest rates of incarceration *and* exoneration for wrongful convictions."[9] He

calls on the state to reform its system of funding such that it does not rely on revenue generated from fees and fines.

As these articles and editorials demonstrate, the public has begun to scrutinize the widespread use of fees and fines to generate municipal revenue. This has largely been catalyzed by the findings of the U.S. Department of Justice's investigation of the Ferguson Police Department following the murder of Michael Brown, the unarmed black man who was fatally shot by Ferguson police officer Darren Wilson. In 2013, municipal fees and fines accounted for 20.2 percent of Ferguson's $12.75 million budget. The report, released on March 4, 2015, noted:

> The City's emphasis on revenue generation has a profound effect on FPD's approach to law enforcement. Patrol assignments and schedules are geared toward aggressive enforcement of Ferguson's municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation. Officer evaluations and promotions depend to an inordinate degree on "productivity," meaning the number of citations issued. Partly as a consequence of City and FPD priorities, many officers appear to see some residents, especially those who live in Ferguson's predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.[10]

The report quotes email correspondence between the Ferguson finance director/city manager John Shaw and Chief of Police Thomas Jackson that reveals how Shaw and Jackson collaborated to boost revenue generated through fees and fines. In March 2010 Shaw wrote to Jackson, "unless ticket writing ramps up significantly before the end of the year, it will be hard to significantly raise collections next year. What are your thoughts? Given that we are looking at a substantial sales tax shortfall [caused by the economic recession that began in 2008], it's not an insignificant issue."[11] Law enforcement responded accordingly. From 2011 to 2012, revenue generated from municipal fees and fines increased more than 33 percent, from $1.41 million to $2.11 million.

Though the Ferguson report does not interrogate the economic context that encourages the adoption of fine farming as a way to boost revenue, the report does raise questions for me about the inner workings of municipal finance. What gaps are municipalities trying to fill when they resort to fine farming to generate revenue? Where does the revenue go? What types of borrowing are municipalities engaged in these days, and how does the need to

remain solvent shape municipal politics? To begin to answer some of these questions, I turn now to analyses of the 1975 New York City fiscal crisis and the 2013 Detroit fiscal crisis.

The Financialization of Municipalities: From New York City to Detroit

In the 1960s and 1970s, as David Harvey notes, New York City began rapidly deindustrializing, and many jobs went overseas or to the suburbs. This created an unemployment crisis that the city attempted to solve by expanding the municipal sector and hiring more public employees (namely people of color), using funds provided by the federal government. During this period there was also a surplus of capital that needed to be reinvested somewhere. One way to fend off a crisis caused by overaccumulation is to implement a program of urbanization. Harvey refers to this method of absorbing surplus capital as the "spatial fix": the need to absorb surplus capital catalyzes a building boom, investment in real estate, and rapid urban development. This is what took place in New York City in the 1960s and 1970s, until the property market collapsed in 1973 after the real estate speculation bubble burst. During the same period, Richard Nixon stopped giving federal money to the city in an attempt to undermine Lyndon B. Johnson's Great Society programs and inaugurate an era of "fiscal responsibility." New York City began to borrow heavily to compensate for the revenue gap created by the property market crash and the withdrawal of federal funds, but in 1975, the investment bankers decided to stop lending money to the struggling city. Without any liquid funds to cover its high operation cost, the city experienced a dramatic fiscal crisis.

According to Harvey, the investment bankers decided to stop lending money to the city as a way to gain political influence and have more control over the city's fiscal affairs. As many scholars, including Harvey, have noted, the 1975 bankruptcy of New York City ushered in a neoliberal model for handling fiscal crises: city budgets would be reorganized to reflect a program of austerity. Harvey, in his writings on neoliberalism, details the influence finance has on dictating public spending when cities run out of money. In New York City, Harvey notes, there was a "financial coup against the city … authority over the budget was taken away from the elected officials and given to the Municipal Assistance Corporation (MAC), later called the Emergency

Financial Control Board."[12] The MAC used money to pay off bondholders, and whatever was left over went into the city budget. This led to massive cuts in spending for public services, widespread unemployment, and the weakening of labor unions, which were often blamed for the crisis. Harvey puts it bluntly: "If there is a conflict between the well being of financial institutions and the well being of the population, the government will choose the well being of the financial institutions; to hell with the well being of the population."[13] What Harvey is describing is a political state of exception created by a financial crisis. Governance by elected officials is suspended. The crisis authorizes the seizure of the decision-making power of the local government by emergency managers, who act on behalf of the financial sector by prioritizing the interests of creditors.

Yet Joshua Freeman notes that while New Yorkers suffered greatly after the implementation of austerity measures, the neoliberalization of New York City as a project was not carried out in full, at least not to the extent it has been carried out in recent years in Detroit. While Congress and the Obama administration did not even consider a federal intervention to prevent Detroit from going bankrupt, corporations and banks considered too big to fail have been bailed out by the government. Freeman notes that the 1979 bailout of Chrysler and the handling of the New York City fiscal crisis "was an example of aggressive corporatism—using public credit to bail out private interests while making labor accept austerity. It again proved the power of using debt relief as a weapon to change social and economic relationships to the detriment of workers and to the benefit of large corporate and financial interests."[14]

According to L. Owen Kirkpatrick, the "new urban fiscal crisis"—a term used to characterize the 2013 bankruptcy of Detroit—resembles the crises that took place from the 1970s to the 1990s but is different in two main ways. In recent years, municipal affairs have been financialized and municipal politics have become de-democratized. Municipalities have increasingly relied on high-risk forms of borrowing. Instead of issuing general obligation municipal bonds that mature at a fixed interest rate, municipalities have attempted to cut costs on interest rates by entering into variable-rate interest agreements with banks. However, it is possible that these financial instruments were designed to be opaque and deliberately ensnare municipalities in cycles of debt.

In Marxist and post-Marxist analyses of economic crisis, there are two main types of crises: one having to do with the industrialization and production process, the other having to do with the dynamics of financial markets. In the first type of crisis, markets are destabilized because of, according to Costas Lapavitsas, falling rates of profit caused by "contradictory tendencies of accumulation in the sphere of production," such as the introduction of new technologies that displace workers.[15] Some Marxists who have theorized the causes of crises emphasize the importance of "realization" problems in the sphere of circulation (rather than the sphere of production), such as the problem of underconsumption. Overall, type one crises are variously attributed to overaccumulation, liquidity hoarding, overproduction, disproportionality among different sectors of the economy, and underconsumption, which all lead to falling rates of profit. On the other hand, type two crises "emerge entirely due to the malfunctioning of monetary and credit mechanisms."[16] Though the mechanisms of the market weren't nearly as complex when Marx was writing as they are now, Marx did analyze instability in the sphere of finance, mainly by examining British monetary policy from the 1830s to 1850s. In the fifth part of the third volume of *Capital*, Marx examines the role of credit in crises. During boom periods, banks lend money capital freely to capitalists who need liquid funds to expand production. In the later stages of the boom, banks engage in speculative lending, which is followed by a credit crunch. As Lapavitsas describes it:

> The overextension of credit (both trade and banking) contributes to overaccumulation and overproduction, resulting in inventory accumulation and excess supply in commodity markets.… For Marx, the appearance of commercial crisis has a decisive impact on the overextended mechanisms of credit. Inability to sell finished output implies inability to honour maturing bills of exchange on the part of borrowing capitalists. Consequently banks begin to accumulate non-performing assets. As the quality of bank assets falls and the creditworthiness of borrowers declines, banks become reluctant to lend. The restriction of banking credit occurs at a moment when liquid money capital is heavily demanded by functioning capitalists pressed by the difficulty of selling.[17]

The new urban fiscal crisis has many features in common with type two economic crises described by Marxists in that, when revenue contracts, government bodies cannot honor maturing bills of exchange. However, the main distinction between the type of crisis described by Lapavitsas and the new urban fiscal crisis is that local governments are not private companies, and

revenue is not capital. Nonetheless, the financialization of municipal affairs has led to fiscal crises caused mostly by the dynamics of financial markets. Take, for example, the fiscal crisis that hit Detroit in 2013. Kirkpatrick notes that "Detroit's dramatic trajectory is not uncommonly attributed to the corruption and ineptitude of local officials, the greed of municipal unions and pension holders, and general government profligacy."[18] However, Kirkpatrick argues that these factors were not the primary cause of the fiscal crisis—that it was the type of borrowing Detroit engaged in prior to the 2008 financial crisis. During the bull market, many municipalities, including Detroit, entered into interest-rate swap agreements with banks, which municipalities believed would save money. However, these swaps would be beneficial to municipalities only if the LIBOR (London Interbank Offered Rate) interest rate continued to rise. Given that municipal bonds generally mature over a very long period of time, often decades, banks stipulated in their contracts that the fee to terminate these swap agreements would be astronomically high. When interest rates plummeted after the 2008 financial crisis, hundreds of municipalities began losing money on those interest-rate bets made during a market boom period. From 2003 to June 2009, 107 Pennsylvania school districts entered into swap agreements.[19] Because of these agreements, the school district of Bethlehem, Pennsylvania, had to pay JPMorgan Chase & Company $12.3 million. Los Angeles has to pay around $20 million a year for a 2006 swap agreement that was made to fund the city's waste-water system.[20]

In the years leading up to the 2008 financial crisis, Detroit engaged in swaps on pension bonds issued in 2005 and 2006. When interest rates dropped, Detroit owed huge monthly payments to several banks. Between 2009 and early 2014 alone, these swap agreements cost Detroit taxpayers some $200 million. The swaps would continue to cost Detroit about $4 million a month unless they paid $288 million to terminate the swap agreements. The emergency manager (EM) who took over Detroit's finances attempted to "pay the swap termination fees [in total] outside of the bankruptcy process."[21] In April 2014 a settlement agreement was reached in court, and Detroit had to pay $85 million to USB AG and Bank of America Corporation to terminate the swaps. The use of variable-rate instruments, such as swaps, to finance debt was the single "biggest contributing factor to the increase in Detroit's legacy

expenses."[22] Kirkpatrick notes that as municipal finance becomes more speculative, local fiscal affairs become vulnerable to crisis. Prior to the 2008 crisis, Detroit entered into a series of complex agreements with banks amounting to a total of around $1.6 billion. Although general obligation bonds mature at a fixed rate over a lengthy period of time, the variable-rate instruments used by Detroit to finance its debt made the city vulnerable to the vagaries of the market. When Detroit filed for bankruptcy, the EM prioritized the interest of finance over the interest of the people, and harsh austerity measures were implemented with the goal of eventually making Detroit solvent. It is hardly surprising that in the Bloomberg *Visual Guide to Municipal Bonds*—a guidebook for investors published a year before the Detroit bankruptcy—Robert Doty attempts to reassure investors that bond markets are safe by reminding them that in the event there is a fiscal crisis, the people will pay, not the investors: "Yet, in the midst of the noise, you should understand that it is taxpayers, rate payers, and the general public served by state and local governments, not their investors, who will suffer from fiscal distress and even mis-management."[23] Thus, the consequences of debt-financed governance are disproportionately borne by those who are supposed to be the beneficiaries of government services.

Marxism and Financialization

According to Marx, capital must constantly circulate if it is to expand and accrue surplus value. For Marx, the general expression for this is M-C-M, which represents "the transformation of money into commodities, and the change of commodities back into money."[24] M-C-M becomes, in Marx's notation, M-C-M' when the commodity is sold for more than the cost of producing the commodity (the apostrophe or "prime" on M' represents the surplus value that is added to the original sum M). This circuit is repeated ad infinitum, with the goal of turning money into more money through the mediation of the commodity. Marx refers to the amount of excess over the original value as "surplus value," which, he emphasizes, is not derived from the commodity's circulation on the marketplace or through its consumption, but is produced by labor-power. As he notes in *Capital*, "Moneybags must be so lucky as to find, within the sphere of circulation, in the market, a commodity,

whose use-value possesses the peculiar property of being a source of value."[25] If labor-power is needed to produce surplus value, then the capitalist needs the mediation of the commodity to turn money into more money.

But what about the formula M-M'? Can money beget money without the surplus value produced by labor-power through the mediation of the commodity? Can value be generated simply by transferring money? In section five of *Capital*, Volume III, Marx addresses this question as it relates to credit systems, moneylending, and interest: "With the development of interest-bearing capital and the credit system, all capital seems to double itself, and sometimes treble itself, by the various modes in which the same capital, or perhaps even the same claim on a debt, appears in different forms in different hands. The greater portion of this 'money-capital' is purely fictitious." Thus, fictitious capital is not actually existing capital; it is a title of ownership or a marketable (legal) claim to "a share in future surplus value production."[26] For Marx, the portion of this "money-capital" that is real is the liquidity that is consumed by the borrower. In Chapter 29 he writes specifically about government bonds. Here, I quote him at length:

> The state has to annually pay its creditors a certain amount of interest for the capital borrowed from them. In this case, the creditor cannot recall his investment from his debtor, but can only sell his claim, or his title of ownership. The capital itself has been consumed, *i.e.*, expended by the state. It no longer exists. What the creditor of the state possesses is 1) the state's promissory note, amounting to, say, £100; 2) this promissory note gives the creditor a claim upon the annual revenue of the state, that is, the annual tax proceeds, for a certain amount, *e.g.*, £5 or 5%; 3) the creditor can sell this promissory note of £100 at his discretion to some other person. If the rate of interest is 5%, and the security given by the state is good, the owner A can sell this promissory note, as a rule, to B for £100; for it is the same to B whether he lends £100 at 5% annually, or whether he secures for himself by the payment of £100 an annual tribute from the state amounting to £5. But in all these cases, the capital, as whose offshoot (interest) state payments are considered, is illusory, fictitious capital. Not only that the amount loaned to the state no longer exists, but it was never intended that it be expended as capital, and only by investment as capital could it have been transformed into a self-preserving value. To the original creditor A, the share of annual taxes accruing to him represents interest on his capital, just as the share of the spendthrift's fortune accruing to the usurer appears to the latter, although in both cases the loaned amount was not invested as capital. The possibility of selling the state's promissory note represents for A the potential means of regaining his principal. As for B, his capital is invested, from his individual point of view, as interest-bearing capital. So far as the transaction is concerned, B has simply taken the place of A by buying the latter's claim on the state's revenue. No matter how often this transaction is repeated, the capital of the state debt remains purely fictitious, and, as soon as the promissory notes become unsaleable, the illusion of this capital disappears.[27]

In this passage Marx does not elaborate a theory of the state or the relationship between the state and finance. The state is conceptualized as a spendthrift, while the lending institution is conceptualized as a usurer. However, I want to emphasize that the state is no ordinary borrower; it is a borrower endowed with the legal power to loot the public to pay back its creditors.

Marx uses the analogy of the spendthrift and the usurer to understand state debt because he wants to highlight that this form of lending (which seeks to generate profit from interest) is not the same thing as investing capital to expand capitalist production, and thus cannot be "transformed into a self-preserving value." Marx emphasizes that when a government issues a bond to borrow money, the only real capital is the money that is immediately used up by the borrower (the state). The bond has no value in itself; it is merely a debt claim—in this case, a claim to a portion of revenue generated through taxes (although, as I've argued in this essay, governments increasingly generate revenue through fees and fines). The bond (or title of ownership) appears to have value because it can be traded on the bond market, but the price of this so-called commodity is established in a different way. The "value" of the bond fluctuates because of several factors, including the "reliability of the proceeds to which they afford legal title."[28] In the case of municipal bonds, their value is partially determined by the creditworthiness of the municipality, which is reflected in the credit ratings they are given by agencies such as Moody's Investors Service. In 2015, Ferguson's bonds were downgraded by Moody's to "junk" level, the agency saying that the city may become insolvent as soon as 2017.[29] Moody's listed "declining key revenues" as one of the main factors precipitating the rating drop, which indicates that Ferguson's inability to generate revenue through fees and fines after the Department of Justice investigation damaged the city's financial standing. This, in turn, suggests that a municipality's financial standing (or its creditworthiness) is partly tied to its *ability to remain solvent by using the police power and court system to extract revenue from citizens.* Yet the deployment of police power to serve the interests of finance at the expense of the public is an inversion of the purported function of the police and municipalities. Police power is usually defined as the power to make laws and enforce them for the protection of the safety, health, morals, prosperity, comfort, convenience and welfare of the public. The duty of municipal corporations is also to promote the well-being of the community.

However, to maintain a good credit rating during periods when revenue is lagging, municipalities must fuck over residents by implementing austerity measures such as firing public employees, cutting pension funds and health-care benefits, weakening the power of labor unions, cutting the education budget, and so forth. As demonstrated by the case of Ferguson, in order to remain solvent, municipalities develop a parasitic relation to the people they are supposed to serve.

I want to take a moment to return to Marx's distinction between fictitious capital and real capital as it relates to the agreements Detroit entered into with banks leading up to the 2008 financial crisis. First, I would argue that using the relationship between the spendthrift and the usurer (as Marx does) is not a good analogy for thinking through the relationship between government bodies and lending institutions such as banks. Government bodies—unlike individuals—have the power to generate revenue not only through taxation, but through the police power and court system as well. Some people have labeled coercive revenue-generating practices such as municipal fine farming as a regressive form of taxation, but it would more appropriately be described as an *expropriative* tax. Second, Marx's analysis of state debt is not particularly useful for thinking through the current moment, as modern banks and financial institutions have enough political influence to force their illusory capital to be converted into actual money capital (liquidity) through the creation of a fiscal crisis. As Detroit had to devote more and more of its budget to paying off debts incurred by the interest-rate swaps, they became less capable of balancing their budget and freely borrowing money. The shortage of money forced the city into bankruptcy. Yet the financial mechanisms used to lend money to Detroit made it so that the city, rather than the banks, took on the risk burden (and ultimately, the city offset the risk onto the Detroit residents). Rather than getting stuck with toxic assets, banks were able to convert their illusory money (a claim to future revenue based on interest rates) into money capital through termination fees. Overall, the swaps cost Detroit taxpayers around $285 million ($200 million in interest-rate payments and $85 million in termination fees). This is similar to what happened during the 2008 financial crisis, when the federal government, hoping to avert a financial catastrophe, created the Troubled Asset Relief Program (TARP), a $700 billion bailout plan that allocated $500 billion to purchase mortgage-backed securities as a way to inject liquid funds into failing banks. A Federal Reserve System

audit done by the U.S. Government Accountability Office revealed that during and after the 2008 financial crisis, the Federal Reserve gave about $16 trillion in loans to banks and corporations.[30] This was not a bailout plan designed to help people keep their homes; it merely fostered the transfer of wealth to the financial sector. In both cases, money culled from public coffers was used to prop up the interests of finance. If one believes that a function of the state is a modicum redistribution of wealth from the rich to the poor, then in these examples the role of the state has been inverted such that wealth is being redistributed upward. In the wake of the 2008 crash, it is important to analyze the domain of finance not just as an "unproductive" sector outside the "real" economy, but as a domain where accumulation by dispossession occurs using the assistance of the state.

Theorizing the Kapitalistate

The examples I have cited above raise the question: What is the relationship between the state and capitalism? As I have argued, in recent years the state has propped up capitalism through the massive transfer of public funds to the financial sector. However, Marxist-influenced urban political economists and sociologists writing in the wake of the 1975 bankruptcy of New York City have also highlighted other ways that the state has subsidized the capitalist accumulation process. To unpack this process, I turn now to the analytic of the "kapitalistate," Ann R. Markusen's Marxist theory of metropolitan government, and Walter Johnson's analysis of the political economy of Ferguson.

In the 1970s, when cities such as New York City and Detroit were experiencing severe fiscal crises, the sociologist James O'Connor developed the analytic of the "kapitalistate," which also became a journal that published "working papers on the capitalist state." This framework provided a Marxist theory of the state grounded in an analysis of the urban fiscal crisis of their day. In this framework, the kapitalistate "acts as a stop gap for the crises caused by dysfunctional aspects of the capitalist system."[31] Proponents of this framework argue that the root of fiscal crises is not government profligacy, but tax breaks for corporations. Given that we are living in an era when capital is highly mobile, there has been a "fiscal race to the bottom" whereby politicians

desperate to attract private investment in their municipalities and states must offer tax incentives and subsidies to these companies. Since the private sector shoulders a relatively small tax burden in recent decades, the burden of funding states and municipalities has been shifted onto the poor and middle class. Increasingly, state and local governments also rely on borrowing (in lieu of taxing).

The kapitalistate framework also posits that two primary functions of the state in a capitalist society are to facilitate the accumulation process and to legitimize capitalism. The accumulation function refers to the state's facilitation of the investment process through economic incentives. The state also supports the accumulation function when it subsidizes low wages with social programs, absorbs externalities (such as environmental cleanups), provides infrastructure that benefits private industries, protects private property, and provides security through policing. The legitimation function refers to the state's role as mediator between workers and employers, as enforcer of labor laws, and as provider of a social safety net.

One way that the constituents of struggling municipalities subsidize the capital accumulation process is through tax increment financing, or TIFs. TIFs, in theory, are supposed to jump-start urban renewal by creating incentives for the private sector to invest in the development of areas that are considered "blighted." When a municipality designates an area as a TIF district, the amount it collects annually from property taxes is frozen for a fixed period of time (in Chicago it is frozen for twenty-three years). If the property tax revenue rises, additional revenue goes into a TIF fund. TIF funds can be used to fund public or private projects that, in theory, benefit the public. Municipalities can also issue TIF bonds to fund development projects, such as infrastructural upgrades that are used to entice businesses to set up shop in the district. Critics of TIFs note that truly blighted areas rarely benefit from the creation of TIF districts (as these districts are generally created in areas where development is already under way). Furthermore, tax dollars that could go toward schools, parks, and other budgets are siphoned off and put into a TIF fund, which some argue functions as a slush fund or shadow budget. Given that there is no mechanism to hold the private sector accountable to the public (Who actually benefited from the project? Did it create as many jobs for residents as it said it would?), TIFs often are a way to use public funds to serve the interests of private companies. The idea that economic development

(achieved through capital investment) is the only path to community growth and well-being authorizes a tax regime that benefits corporations. As Johnson notes in his discussion of TIFs in Ferguson, if revenue lags because a private enterprise does not do as well as expected, it is the residents who pay. As Johnson writes, "If the revenue falls short of projections, the debt has to be covered by local citizens. Not by the banks—they're insulated because they have not loaned money directly to the under-performing retailers. And not by the retailers—they're protected because the city has paid for the capital improvements of the area, limiting their sunk-cost investment in the area. It's the taxpayers (and fine payers) who have to make up the difference."[32]

TIFs are just one of many of the complex political and economic mechanisms that have created a crisis situation in Ferguson, where poor black Americans are relentlessly harassed by police and exploited as a source of revenue. Johnson asks why, in a city that is home to a Fortune 500 company (Emerson Electric), does the city rely so heavily on squeezing poor people? He notes that, in addition to TIFs, racist housing policy and segregation, rock-bottom tax assessments, tax abatements, and regressive tax structures all contribute to this problem.

Theorizing Municipal Governance and the Racial Kapitalistate

The kapitalistate provides a broad theoretical framework for thinking through fiscal crises and the relationship between the state and capitalism. Now I want to briefly turn to the municipal and city level. In "Class and Urban Social Expenditure: A Marxist Theory of Metropolitan Government," Markusen analyzes the fragmented urban government structure of the United States, which she describes as a "uniquely American phenomenon."[33] She writes that "few other capitalist countries grant states or localities such extensive political autonomy."[34] The article examines the history of how semiautonomous jurisdictions were created on the periphery of industrial cities, and how these spatially and politically insular municipal units enabled (and continue to enable) class reproduction.

In the period after 1850, the expansion of capitalist production accelerated the growth of U.S. cities. Physical infrastructure—such as roads, power, and water systems—were needed to facilitate the accumulation of capital. Over

time, local governments assumed responsibility for providing infrastructure, which off-loaded part of the cost of production onto taxpayers. Between 1865 and 1900, the municipal "home rule" movement—which advocated local autonomy using the rhetoric of self-determination and Jeffersonian democracy—gained political traction. In 1873 Brookline, Massachusetts, was established as the first "well-documented appearance of an independent political suburban government."[35] The semiautonomous political units that emerged on the East Coast became a model for metropolitan government structure throughout the country. As Markusen notes, "Detroit had no politically independent suburbs until World War I, but then developed forty-odd such entities in the next forty years."[36] As the localist model became entrenched, jurisdictional consolidation and annexation of peripheral communities by cities became exceedingly difficult.

Markusen argues that this government structure serves the interests of the middle and upper class. "Democracy in the United States is subverted at the local level by a unique development—the cordoning off of various subclasses into political units populated by their own kind wherein constituents equally escape the costs that might be imposed by participation of those worse off."[37] According to Markusen, municipalities on the periphery of a city have a parasitic relationship to the city, whereby the suburban municipalities can evade having to shoulder a portion of the social cost of low wages and unemployment, ensuring that their tax dollars go toward reproducing their social class (through well-funded schools and a clean and safe living environment) rather than toward "unproductive" expenditures such as welfare programs, public housing, and policing. However, what Markusen misses in her analysis of metropolitan government is the racial dimension of the fragmentary metropolitan political structure. When she notes that boundaries of jurisdictions are drawn around neighborhoods that have a homogenous class composition, it would be more accurate to say that municipal political units are segregated by race. Thus, I would add that a Marxist analysis of metropolitan governance is inadequate if it does not take into account how race is spatially produced by the capitalist state on the city and municipal level. The Department of Justice investigation of the Ferguson Police Department revealed that methods used to extract revenue from residents disproportionately targeted black residents. Johnson, citing the report, notes:

> 85 percent of traffic stops there involved black motorists, even though the city is only 67 percent black, and that its roads are traveled by a large number of white commuters. After being stopped, black residents were twice as likely to be searched and twice as likely to be arrested as white residents—despite the fact that, in the event of a search, whites proved to be two-thirds more likely to be caught with some sort of contraband. Municipal violations for having an unmowed lawn, or putting out the trash in the wrong place at the wrong time, were issued overwhelmingly to black residents. Ninety-five percent of the citations for the "manner of walking in the roadway" and "failure to comply" were issued to African Americans.[38]

Johnson also notes that middle-class and prosperous nearby white communities, such as Kirkwood and Ladue, only draw about 5 to 10 percent of their revenue from municipal fines, which demonstrates that these techniques of extraction are racialized. Racial segregation is particularly stark in the St. Louis metropolitan area. Johnson's article discusses the policies and events of the last hundred years that have made St. Louis "one of the three or four most segregated cities in the country." He adds that St. Louis is so segregated that "African Americans can go months at a time without seeing a white person in their neighborhoods—apart, that is, from policemen patrolling their beats, or municipal court judges collecting fines."[39] Thus, when analyzing the political economy of municipal finance, it would be much more analytically useful to speak of the *racial* kapitalistate rather than merely of the kapitalistate. When one is mired in the technicalities of municipal finance, it is easy to lose sight of the racial dimension of this problem. It would not be politically feasible for the police to use the same methods on middle-class white residents that it uses on (often poor and politically disenfranchised) black Ferguson residents. Racism is not an epiphenomenal aspect of this story about the relationship between municipalities and the financial sector. As Chris Chen notes in his essay "The Limit Point of Capitalist Equality," "On the one hand, 'race' is a form of cultural stigmatisation and misrepresentation requiring personal, institutional, and/or state recognition. On the other, 'race' is a system of wage differentials, wealth stratification, and occupational and spatial segregation."[40] In this view, the organization of municipalities into racially segregated political units that are subjected to wildly different police and financial practices is an example of how " 'race' is not only a system of ideas but an array of ascriptive racialising procedures which structure multiple levels of social life."[41] As the examples of Ferguson and Detroit demonstrate,

de facto segregation exposes black Americans to hyper-policing, municipal fine farming, and harsh austerity measures. At the same time, these practices make it so that poor black Americans are the ones who are subsidizing the accumulation process, compensating for revenue gaps created by corporate tax abatements, and paying for the debts incurred by municipalities as a result of high-risk borrowing. Given that the wealth of white Americans was generated through slavery and the expropriation of Native land, these mechanisms continue to ensure that black Americans do not accumulate wealth and contribute to what George Lipsitz calls "the possessive investment in whiteness." The practices that accompany the contemporary racial kapitalistate continue to reproduce racial inequality by harvesting revenue from racially segmented populations as subsidies for private enterprise and bloated police budgets.

The Right to the City and the Liberation of Urban Space

> *[T]he question of what kind of city we want cannot be divorced from the question of what kind of people we want to be, what kinds of social relations we seek, what relations to nature we cherish, what style of life we desire, what aesthetic values we hold. The right to the city is, therefore, far more than a right of individual or group access to the resources that the city embodies: it is a right to change and reinvent the city more after our hearts' desire.*
>
> —David Harvey, *Rebel Cities*[42]

My motivation for writing this essay is to draw attention to the possibility that a fiscal crisis may be on the horizon for many municipalities across the country. When the new urban fiscal crisis arrives (which it already has in Detroit and now Dallas), how will cities and municipalities cope with the crisis? What new borrowing mechanisms will be used to finance failing municipalities, and what government techniques will be adopted to make up for revenue shortages? In this essay I have attempted to 1) debunk the myth of "profligacy" as the cause of fiscal crises and demonstrate how the financialization of municipal affairs destabilizes municipalities, 2) examine some of the financial mechanisms used to transfer public funds to the private sector and subsidize the accumulation process (interest-rate swaps, tax increment financing, and so forth), and 3) examine the social consequences of some of the methods used to generate revenue, such as municipal fine farming. It is my hope that this essay will serve as a kind of clarion call: when and if the

fiscal crisis arrives, we must analyze and resist the racialized extractive mechanisms adopted by the state as "solutions" to keep the machine running.

With these issues in mind, using Ferguson as an example, I would like to conclude by thinking through some of the ways that municipal finance affects the lives of people on the ground. In Ferguson, the excessive use of fines and fees to generate revenue had an overwhelmingly negative impact on the quality of life of the city's black residents—creating an atmosphere of fear, disrupting the lives of residents, ensnaring people in a cycle of financial and legal misery, and limiting people's mobility. Municipal fine farming is much more than just an unsavory method of boosting revenue; it essentially turns the space the residents inhabit into a *carceral space*. A Ferguson resident told the *New Yorker* journalist Jelani Cobb, "We have people who have warrants because of traffic tickets and are effectively imprisoned in their homes … They can't go outside because they'll be arrested. In some cases people actually have jobs but decide the threat of arrest makes it not worth trying to commute outside their neighborhood."[43] Not only are residents unable to control how resources are distributed in their city, they do not feel free to move about the city they inhabit—or even to go to work because of outstanding warrants and/or the fear that they will be slammed with more tickets and fines. In many jurisdictions around St. Louis, "debt from criminal courts carries interest and late fees, thereby multiplying the financial burden solely on those debtors who are least able to pay. When probation or parole terms require payment of these fees, inability to do so can foreclose housing, welfare assistance, and employment options."[44] Residents may also lose their jobs because of time missed for court appearances, as well as time spent in jail because of arrest warrants for unpaid fines.

In the film *The Prison in Twelve Landscapes*, a woman named Charisse Davidson from the St. Louis area describes her experience of spending time in jail after refusing to pay a steep fine for the crime of having a trash can lid that was not properly affixed. Her case is not an isolated one: residents of more than a dozen majority-black municipalities in St. Louis County have sued the cities on the grounds that the revenue-generating schemes that ensnare residents in cycles of debt—and then jail them when they cannot pay—amount to a kind of debtor's prison. Although these lawsuits have curbed the most extreme forms of predatory fine farming in the St. Louis area, lawyers at

ArchCity Defenders—who succeeded in getting the Jennings Municipal Court to pay $4.7 million for its predatory revenue-generating practices—say that despite the state of Missouri's new 20 percent cap on how much revenue can be generated through fees and fines, fine farming is still common and that the media has overstated just how much has changed. Newer research has also revealed that these practices are not limited to the St. Louis area, but are common in majority-black cities around the United States.

What we see happening in Ferguson and other cities is not the creation of livable spaces, but the creation of living hells. When a person is trapped in a cycle of debt, it also can affect their subjectivity and temporal orientation to the world by making it difficult for them to imagine and plan for the future. What psychic toll does this have on residents? How does it feel to be routinely degraded and exploited by the police? When municipalities develop a parasitic relationship to residents, they make it impossible for residents to actually feel at home in the place where they live, walk, work, love, and chill. In this sense, policing is not about crime control or public safety, but about the regulation of people's lives—their movements and modes of being in the world. Lacking the resources and opportunities to exercise control over their lives or even to comfortably move through space, their surroundings become hostile and alienating. In contexts such as Ferguson—where there was an average of three arrest warrants per household—indebtedness and fugitivity as an existential condition have been forced on the people who reside in these carceral municipalities. But the performance theorist and black studies scholar Fred Moten reminds me that in the interstices of this relentless assault on black life, an insurgent black sociality exists. I would like to conclude this essay with a quote by Moten, which is an important reminder of what mechanisms are really at work when police try to limit black mobility and meet black social life with hostility and violence. As Moten says in a conversation with Robin D. G. Kelley:

> We need to understand what it actually is that the state is defending itself from and I think that in this respect, the particular instances of Michael Brown's murder and Eric Garner's murder are worth paying some attention to because what the drone, Darren Wilson, shot into that day was insurgent Black life walking down the street. I don't think he meant to violate the individual personhood of Michael Brown, he was shooting at mobile Black sociality walking down the street in a way that he understood implicitly constituted a threat to the order he represents and that he is sworn to protect. Eric Garner on the everyday basis initiated a new alternative kind of marketplace, another mode of social life. That's what they killed, ok?

So when we say that Black lives matter I think what we do sometimes is obscure the fact that it's in fact Black life that matters. That insurgent Black social life still constitutes a profound threat to the already existing order of things.[45]

3

"Packing Guns Instead of Lunches": Biopower and Juvenile Delinquency

There is a political knot at the center of my life, a point of great density, around which orbit my questions about the world and how it is structured. To address the questions without speaking of the event that gave rise to them would conform with the comportment expected of an intellectual. Nonetheless, it seems important to speak of the genesis of this "knot" before I attempt to unravel it.

This essay grapples with the biopolitical dimensions of contemporary constructions of juvenile delinquency using the theories of Roberto Esposito, Giorgio Agamben, and Michel Foucault. What led me to this topic is an autobiographical event that took place when I was a teenager: As I wrote in the introduction, my older brother was given a juvenile life without parole sentence (JLWOP) in Florida for a crime he allegedly committed when he was seventeen. Though the incident happened in 2004, between 2012 and 2017 he waited in a kind of juridical limbo while the courts weighed whether he would be entitled to a resentencing hearing. In 2012 the United States Supreme Court ruled in the case *Miller v. Alabama* that *mandatory* juvenile life without parole sentences are unconstitutional on the grounds that they are a form of cruel and unusual punishment. In the case *Montgomery v. Louisiana*, the Supreme Court determined in 2016 that the *Miller v. Alabama* ruling applies retroactively to those who were sentenced before the 2012 decision. Even though *Miller v. Alabama* abolished mandatory JLWOP, *discretionary* (optional) JLWOP is still legal in most states, and many of the juvenile offenders who have been resentenced have just been given life sentences again. My brother—as I discuss in the update attached to this essay—was granted a

resentencing hearing, but he accepted a forty-year "deal" before a decision was reached by a judge at his hearing.

In light of the *Montgomery v. Louisiana* and *Miller v. Alabama* Supreme Court decisions, many questions remain: What new sentencing protocols will states adopt to resentence those who were given JLWOP sentences? Will JLWOP be replaced with harsh minimum sentences that are several decades or more long? How much time will juvenile offenders have to serve before they can be considered for parole? How many times will they be allowed to be considered for parole? If they are denied parole, will they still be imprisoned for life? Although the decisions may greatly affect how juveniles are sentenced, the decision itself does not mandate anything other than that judges *consider* the defendants' youth alongside their crime before they are sentenced to life without parole.

Of course, how much or how little *Miller v. Alabama* has affected juridical practices has varied widely from state to state. This issue is also compounded by the fact that juveniles themselves occupy a juridically fuzzy zone in U.S. criminal law, as the terrain on which juvenile law is built—that is, the legal status of the juvenile—is constantly shifting. In this essay I focus on a particular political moment that gave rise to JLWOP sentences: the 1990s construction of the juvenile "superpredator" by the highly public Princeton academic John DiIulio. During this period, criminologists used statistical projections to support their claim that, in the words of DiIulio, "on the horizon … are tens of thousands of severely morally impoverished juvenile superpredators."[1]

In the 1990s there was a radical transformation in the juridical status of the juvenile. Before this period, juveniles were routinely legally treated as minors and thus dealt with by juvenile courts, yet by the end of the 1990s, all but three states passed laws that changed juvenile law such that juvenile and adult courts blurred. These laws enabled (and often mandated) juveniles to be tried in adult criminal courts for certain crimes, expanded sentencing options for juveniles, and removed confidentiality for youth defendants. In other words, under law, juvenile defendants were less and less distinct from adult defendants. The obliteration of this juridical distinction paved the way for JLWOP: a sentence that *no other country in the world practices*.

The United States has sentenced more than 2,500 juvenile offenders to life without parole. Most of these sentences were given in five states: California, Louisiana, Michigan, Pennsylvania, and Florida, where my brother was sentenced. To give you a sense of how incongruous our juvenile sentences are with the rest of the world, consider that generally, in Europe, the maximum sentence for juveniles is around ten years, with the possibility of increasing to fifteen years for serious crimes. Juvenile court was created as a legal structure distinct from adult criminal court because juveniles were seen as vulnerable and entitled to more protection by the state. The erosion of this juridical distinction coincided with a reversal of the public conception of the juvenile: rather than being viewed as vulnerable, the (racialized) juvenile was constructed as *predatory*.

But before we can examine how the juvenile was constructed as predatory, we must first unpack what a "juvenile" is. There is no scientific, juridical, or political consensus on what a juvenile is, or even the age at which one ceases to be a juvenile. In the U.S., there is not even a nationwide consensus on the age of majority (the threshold of adulthood as it is recognized in law). It varies by state and may be sixteen, seventeen, or eighteen. Vaguely, the concept of the juvenile is associated with a naturalized connection between age and maturity level. "Maturity" in this sense refers to a subject's capacity to exercise self-control, make rational judgments, and act with self-awareness. Maturity can be conceptualized on multiple registers. It may be neurological (the age at which one's prefrontal cortex finishes developing), psychological, political, and so forth. I argue that the "juvenile"—far from being a natural category that corresponds to a fixed set of characteristics—is a biopolitical construction that delimits the application of criminal law. The biopolitical construction of juveniles as subjects defined by irrationality marks this subset of the population as *a calculable risk that must be preemptively managed*, for they have been deemed incapable of self-government and self-determination.

The biopolitical conceptualization of power was first theorized by the French historian-philosopher Michel Foucault and then elaborated by a number of contemporary political theorists, including the Italian philosophers Giorgio Agamben and Roberto Esposito. Agamben defines biopolitics as "the growing inclusion of man's natural life in the mechanisms and calculations of power."[2] For Foucault, the paradigm of biopolitical power represents a

departure from the older form of sovereign power. The sovereign establishes its power through its right to kill, while biopolitical power operates through an investment in the maintenance of life. As Foucault puts it, biopower is "continuous, scientific" and consists of "making live and letting die," while sovereignty "took life and let live."[3] For Foucault, the advent of this form of power was in the late eighteenth century, though it was more thoroughly articulated in the nineteenth century and still persists.

Roberto Esposito's main contribution to our understanding of biopolitics is his theorization of the immunization paradigm, or the "immunitary logic associated with modern political thought."[4] For Esposito, the extension of the life of the social body often requires an autoimmunological attack on "germs," or the managed incorporation of "unsavory" elements:

> Every degeneration of the body is to be foreclosed anticipatorily by dispensing with the infected parts. Here more than anywhere else we can see the antinomic result when compared to the original intentions of immunization. Once the immunitary paradigm is combined with the *dispositifs* of nationalism and then racism, the paradigm becomes what determines and orders the destruction of life (let's recall again that immunization was born so as to protect life from its communitarian drift into chaos).[5]

As Timothy Campbell notes in his introduction to *Bíos: Biopolitics and Philosophy*, Esposito was not the first to use an immunological paradigm to elucidate the logic at the core of modernity's political operations. For those writing on immunity today, the "term quickly folds into autoimmunity."[6] Esposito's project is distinct from these projects insofar as he does not insist that immunity as such must necessarily lead to a "suicidal autoimmunity crisis."[7] Esposito is interested in unpacking immunological political operations so he can develop an affirmative biopolitics that moves through, rather than against or around, the immunological paradigm. Furthermore, Esposito's immunological paradigm is distinct from the (auto)immunological paradigms of thinkers such as Derrida in that his description of immunity does not limit it solely to a negative-protective function (whereby foreign bodies are expelled for the health of the body), but also through an exclusionary inclusion (whereby foreign bodies are managed through inclusion). In *Immunitas* he writes, "The body defeats a poison not by expelling it outside the organism, but by making it somehow part of the body."[8] Thus in such cases the body

preserves life through an internal separation and restriction of the hostile element. Immunitary logic, according to Esposito, is based not on affirmation, but on a double negation (the negation of a negation): "The negative not only survives its cure, it constitutes the condition of effectiveness."[9]

For Esposito, unlike Foucault, sovereign power does not precede biopower. These forms of power are co-constituted through the mutually reinforcing and interdependent roles of the *sovereign-as-protector* and *the community as a threatened body in need of protection*. Nation-states are constituted when these two terms are brought together by the negative dialectical operations of immunity.

The Coming of the Superpredators: Chaos on the Horizon

The relevance of biopolitics—and the immunization paradigm in particular—is clear when we consider the example of the juvenile delinquent as constructed in law and public discourse. In the early 1990s, political scientists, criminologists, and politicians such as Bill and Hillary Clinton issued statements predicting the arrival of the "juvenile superpredator." The Princeton professor John DiIulio claimed that the number of youths in custody would triple and that there would be "an estimated 270,000 more young predators on the streets than in 1990."[10] In his widely influential article, "The Coming of the Super-Predators," published in *The Weekly Standard* in 1995, DiIulio implored policy makers to heed his and other academics' call for interventions that could prevent society from degenerating into chaos. The core of his argument was based on little more than a coming demographic boom, particularly among male black youths. He reasoned that since there would be many more young boys in ten years, the number of violent crimes committed by youths would skyrocket: "It's just that simple: More boys begets more bad boys."[11] How were DiIulio's claims able to pass as "science"? In hindsight, his claims seem questionable, but at the time, he was able to legitimize his statements by creating a truth effect using statistics, his credentials, and rhetorical frameworks that would give his statements an aura of credibility.

In Foucauldian terms, the criminological construction of the juvenile superpredator is a form of biopolitical power. In his March 17, 1976, lecture, "Society Must Be Defended," Foucault notes that "Biopolitics deals with the

population, with the population as a political problem, as a problem that is at once scientific and political, as a biopolitical problem and as power's problem."[12] Foucault asserts that biopolitical forms of power target the "aleatory," unpredictable, and potentially destabilizing elements of a population for the sake of keeping the whole population in balance. He notes, "And most important of all, regulatory mechanisms must be established to establish an equilibrium, maintain an average, establish a sort of homeostasis, and compensate for variations within this general population and its aleatory field."[13] DiIulio's discourses work in a similar way insofar as population growth itself is viewed as a problem, particularly a demographic boom among the segment of the population deemed potentially unruly, for such a boom would lead to the multiplication of threats. He writes, "By simple math, in a decade today's 4 to 7-year-olds will become 14 to 17-year-olds. By 2005, the number of males in this age group will have risen about 25 percent overall and 50 percent for blacks."[14] Citing James Q. Wilson, DiIulio adds that he can "predict with confidence" that "the additional 500,000 boys who will be 14 to 17 years old in the year 2000 will mean at least 30,000 more murderers, rapists, and muggers on the streets than we have today."[15] Thus, although there was a brief spike in youth crime associated with the crack epidemic, DiIulio's clarion call was in response not so much to a crisis, but to a potential crisis. He and other 1990s political scientists and criminologists were effectively constructing a problem that the state was called upon to manage. Foucault's discussion of the role of statistical knowledge in the exercise of biopolitical forms of power is particularly relevant to the construction of the superpredator myth. He notes, "The mechanisms introduced by biopolitics include forecasts, statistical estimates, and overall measures. And their purpose is not to modify any given phenomena as such, or to modify a given individual insofar as he is an individual, but, essentially, to intervene at the level … of their generality."[16] Since DiIulio's discourse is anticipatory, it demands an intervention at the level of generality. The entire social body is diagnosed as being at risk of coming undone if the juvenile crime infection is not rooted out.

After making his demographic-boom argument using claims to statistical truth, DiIulio asks the rhetorical question, "How can one be certain that the

demographic bulge of the next 10 years will unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips—known as O.G.s, for 'original gangsters'—look tame by comparison?"[17] He answers his question by presenting a theory of moral poverty that asserts that criminal "depravity" can be traced to growing up in an environment that does not foster strong moral values: "In the extreme, moral poverty is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless, and jobless settings."[18] Though he repeatedly insists that his claims are race-neutral, the essay is highly racially coded. Throughout the essay he links criminal depravity with blackness, sometimes making these links indirectly by associating criminality with signifiers of blackness that draw from a repertoire of highly sensationalized images of street gangs, inner-city violence, and so forth.

In Foucault's conception of biopolitics—which is distinct from Agamben's and Esposito's—power operates through an investment in life, in the health of the population. If sovereignty "took life and let live," while biopolitics "makes live and lets die," then how can a biopolitical analytical framework account for the political system's autoimmunological reaction to (mostly black) youth, which ultimately led to the creation of policies that were destructive of life, such as juvenile life without parole? Foucault raises similar questions when he asks, "Given that this power's objective is essentially to make live, how can it let die? How can the power of death, the function of death, be exercised in a political system centered on biopower?"[19]

For Foucault, in political systems that center on biopower, the power to kill or destroy life is not evacuated completely, but is subsumed and incorporated into a life-affirming discourse. Thus the tension is reframed such that death (and here Foucault also includes civil and political forms of "death" such as imprisonment) is posed as necessary for the health and functioning of the population as a whole. Foucault concludes his lecture "Society Must Be Defended" with a discussion of state racism, which reconciles biopolitics with what some have called "necropolitics." Racism divides the population, thus fragmenting "the field of the biological that power controls."[20] A hierarchy is then created that establishes which "subspecies" of this internally divided population deserve to live and which deserve to die. Furthermore, a positive

relationship is established between killing and life: "If you want to live, you must take lives."[21] Though death is still at work in these operations of power, it is subsumed under the paradigm of life. The health of the species as a whole is what is presented as the ultimate goal. Racism in biopolitical societies is defined by the idea that "The more inferior species die out, the more abnormal individuals are eliminated, the fewer degenerates there will be in the species as a whole, and the more I—as a species rather than an individual—can live, the stronger I will be, the more vigorous I will be … the death of the bad race … is something that will make life in general healthier: healthier and purer."[22] In a biological and health-centered regime, the targets of biopolitical control are treated not as political adversaries, but as contagions, germs, pollutants, or infections, and their eradication is framed as "the elimination of the biological threat" and the "improvement of the species."[23] Foucault puts it bluntly when he says, "In a normalizing society, race or racism is the precondition that makes killing acceptable … Once the State functions in the biopower mode, racism alone can justify the murderous function of the State."[24]

In the case of the proliferation of the "juvenile superpredator," racial coding was an integral part of the creation of the myth. Indeed, DiIulio's early crusade to stop the "coming superpredator" was centered on what he called the "black crime problem," though he insisted that his racialization of the problem was based on empirical fact rather than bias. In the 1990s DiIulio published numerous articles on the "black crime problem," including the 1996 *City Journal* article "My Black Crime Problem, and Ours," which upheld that his association of blackness with crime was based on fact while his critics'—particularly black critics—understanding of the problem was based on subjective feeling. According to DiIulio, an irrational fear creates "unreasonable black paranoia about the justice system."[25] Responding to his critics, he writes, "I find almost nothing in the empirical research literature on racial disparities in sentencing to justify their fears and frustrations."[26] DiIulio never misses an opportunity to amplify the truthiness of his enunciations by appending to his statements claims about the empirical, scientific, and factual nature of his claims.

The racialization of the superpredator myth is one of the ways in which biopower divides the population into subspecies who deserve to flourish and

subspecies who deserve to be disposed of. In "Let 'Em Rot," DiIulio takes a tough-on-crime stance that argues that America has not been punishing enough when it comes to crime. He presents his point of view as the populist, everyman view, and those who are critical of harsh punishment are referred to as the "anti-incarceration elite." To lend credence to his view, he ventriloquizes a chorus of "majorities" to create a consensus effect. He writes that "solid majorities" and "overwhelming majorities of African-Americans" believe that:

> criminals who assault, rape, rob, burglarize, deal drugs or murder should be arrested, prosecuted and punished in a swift and certain fashion. They believe that violent and repeat criminals should be imprisoned; that a prison sentence of X years should mean a prison sentence of X years (truth-in-sentencing); that criminals with multiple convictions should receive long prison sentences or life without parole (two- or three-time-loser laws); and that capital punishment is warranted on both social and moral grounds.[27]

There is a slippage between "majorities" and "majority" in DiIulio's statements. What does he actually mean when he writes *majorities*? While *majority* refers to most of the people in a single population, *majorities* fractures the population. Numerically, "solid majorities" is a vacuous statement, but the rhetorical gesture has a powerful effect in that it creates the appearance of a consensus while evading the claim itself. It also creates an unconscious division between the deserving and the undeserving, between those who have the right opinion and those who don't. The "majorities" are also distanced from the criminal hordes, who are deserving of exclusion or death. For Agamben, perhaps even more than Foucault, this internal split of a people into proper and improper subjects is a defining feature of modern political structures. Throughout his work Agamben argues that "the concept of people necessarily contains within itself the fundamental biopolitical fracture."[28] For him the division is between *zoe* and *bios*, between bare life and citizen. In ancient Rome, people were divided into *populus* and *plebs*. In DiIulio's discourse the population is fractured into criminal and citizen, juvenile and adult, black and white, redeemable and irredeemable. I have already discussed the racial division implicit in DiIulio's discourse vis-àvis Foucault's discussion of the function of state racism in biopolitics, but I want to turn again to the division between the juvenile and the adult.

In Agamben's biopolitical philosophy, the "camp" (such as the Nazi concentration camp) is considered the paradigmatic model for modern

politics. He states in his work that he does not consider the prison the paradigm for modern politics, as the prison comes under the jurisdiction of ordinary criminal law while the camp is established through martial law. The camp is established during a state of exception, when the "sovereign" has the power to suspend ordinary law. He writes, "*The camp is the space that opens up when the state of exception starts to become the rule*. In it, the state of exception, which was essentially a temporal suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the normal state of law."[29] In this view, the detention center at Guantánamo Bay is much more juridically analogous to Agamben's "camp" than state and federal prisons. However, it is difficult to parse exactly where the "juvenile offender" would fall in Agamben's discourse. As I have already said, juveniles occupy a juridically ambiguous category, and their status under the law is constantly shifting. Is the juvenile technically a "citizen" in a legal sense? What is the age at which a person becomes a full subject? What is a person before they are a full subject? How should the age of criminal responsibility be determined? What is the relationship between criminal responsibility and citizenship, between maturity and personhood?

Although it is difficult to pin down the status of the juvenile, it could safely be said that the juvenile, unlike Agamben's *homo sacer* (who is positioned outside the domain of ordinary law), is not exposed to the arbitrary exercise of power by the sovereign. While juveniles do not have access to the same rights and privileges as adult citizens, they have historically been entitled to special protection by the state because they are considered a vulnerable subset of the population. However, the transformation of the juridical status of the juvenile in the 1990s, which nudged juveniles closer to the status of adults, reveals the workings of a paradoxical process: while adolescents are differentiated from adult citizens based on their limited mental capacities, in order for them to be effectively managed through confinement, they must first be juridically folded into the domain of adulthood, and the jurisdiction of criminal law must expand to include them. In other words, the juvenile is captured through an *inclusion* into ordinary law, rather than an exclusion. But while juveniles acquire *the right to be punished as adults*, they do not acquire the other privileges and rights of adult citizenship (i.e., voting, drinking, and so forth). Their status under the law remains contradictory, for they are at once inside

and outside the laws that apply to adults, governed as both exceptional and ordinary subjects. Thus they are catapulted into the domain of ordinary criminal law and juridically "included" at the precise moment they are being branded for exclusion. What is also remarkable is that juveniles had to be constructed as distinct from and threatening to adults before their juridical subjectification could take place. While juveniles enjoyed a special legal status because they were considered vulnerable, the blurring of their status could take place only after they were recast as predatory—and particularly *threatening to adults*. DiIulio portrays juveniles as threatening to adults throughout "The Coming of the Super-Predators." Here are some examples:

> … following my May 1995 address to the district attorneys association, big-city prosecutors inundated me with war stories about the ever-growing numbers of hardened remorseless juveniles who were showing up in the system. "They kill or maim on impulse, without any intelligible motive," said one. Likewise, a veteran beat policeman confided: "I never used to be scared. Now I say a quick Hail Mary every time I get a call at night involving juveniles. I pray I go home in one piece to my own kids."
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> …
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> Abraham recounted a recent townhall meeting in a white working-class section of the city that has fallen on hard times: "They're becoming afraid of their own children. There were some big beefy guys there, too. And they're asking me what am I going to do to control their children."
>
> …
>
> In a typical remark, one prisoner fretted, "I was a bad-ass street gladiator, but these kids are stone-cold predators."[30]

In these descriptions, juveniles are constructed as beasts. Cops, beefy men, and hardened adult criminals cower in fear before the juvenile super-predator. But as Foucault reminds us in *Discipline and Punish*, "The delinquent is an institutional product."[31] The human sciences produce the figure that then is regulated by the legal system. The emphasis is not on judging specific acts attached to specific persons, but on isolating a type of person that can be identified with abnormality.

A dual operation is at work in the construction of the juvenile superpredator: while juveniles are differentiated from—and seen as hostile to—adults, juridically they are brought closer to the category of the adult. The folding of juveniles into the jurisdiction of adult criminal law is what enables their neutralization. It represents, in the words of Esposito, an "exclusion by inclusion."[32] While Agamben is also attuned to the ways in which exclusion is

always in some sense inclusive (*homo sacer* is not outside the law, but rather occupies a liminal space between inside and outside), Esposito's immunization paradigm is better suited for thinking through some of the paradoxes inherent in this political process. As I mentioned earlier, Esposito's immunization paradigm cannot be reduced to the suicidal autoimmune response Derrida described in his post-9/11 commentary on U.S. foreign policy. Esposito's paradigm also accounts for the ways in which threats are neutralized through incorporation. As he writes in *Immunitas*, "The body defeats poison not by expelling it outside the organism, but by making it somehow a part of the body."[33] Thus, in order for the social body to defeat the infection of the juvenile superpredator, the undesirable element must first be incorporated into the body of the law. For Esposito, law performs the immune function.

Esposito's immunization paradigm is also useful for thinking through the preemptive or anticipatory aspects of the juvenile superpredator myth. If immunization is born out of the need to "protect life from its communitarian drift into chaos," then to protect the body against degradation, it must, as Esposito puts it, anticipatorily dispense with the infected parts of the body.[34] In a political sense, this entails the mobilization of law to prevent "any possible infraction, any possible offense."[35] Esposito goes on:

> How are we to anticipate something that hasn't yet happened? How are we to control something that in itself escapes all control? How are we to provide for a crime that has not been committed? The only solution is to decide on a verdict in advance, regardless of the actual crime; to always regard life as guilty, even before and beyond the fact that the offense has not yet been committed; to assign the punishment … regardless of whether the circumstances merit it. What comes out of this is not only anticipation, but also a logical reversal between guilt and condemnation: guilt is the outcome rather than the reason for the condemnation.[36]

The title of DiIulio's article "The Coming of the Super-Predators" reflects the preemptive features of the immunological paradigm. The announcement of the *coming* of a crisis is enough to inflame the immunological response, for the social body already contains the seed of what will eventually grow into an unmanageable problem. DiIulio writes, "All of the research indicates that Americans are sitting atop a demographic crime bomb. And all of those who are closest to the problem hear the bomb ticking."[37] But what if there is no bomb? What if the whole juvenile superpredator crisis turned out to be a myth

constructed by political scientists and criminologists? Many of the academics who were sounding the alarm about youth crime in the 1990s have since admitted that they were wrong in casting juveniles as inherently risky and in calling for harsher punishment. When the U.S. Supreme Court was hearing the case of *Miller v. Alabama*, forty-six academics, including DiIulio, submitted an amicus curiae brief in support of Evan Miller and Kuntrell Jackson, the two petitioners who were given juvenile life without parole sentences for crimes they committed at the age of fourteen. In a summary of their argument, the authors wrote:

> The spike in violent crime by juveniles in the late 1980s and early 1990s triggered widespread fears about the causes and extent of juvenile violence. Many states changed their laws regarding the transfer of juveniles to the adult criminal system in response to this increase in juvenile crime, subjecting juvenile offenders to sentencing regimes that were originally conceived for adults, including sentences of life without parole.
>
> The fears of a juvenile crime wave that prompted these changes became embodied in the notion of a "juvenile superpredator," which was reflected in academic and political discourse. Juvenile superpredators were characterized as ruthless sociopaths who lacked a moral conscience and were unconcerned about the consequences of their actions and undeterred by punishment.
>
> However, the fear of an impending generation of superpredators proved to be unfounded. Empirical research that has analyzed the increase in violent crime during the early- to mid-1990s and its subsequent decline demonstrates that the juvenile superpredator was a myth and that the predictions of future youth violence were baseless. Amici have been unable to identify any scholarly research published in the last decade that provides support for the notion of the juvenile superpredator, and the scholar credited with originating that term has acknowledged that his characterizations and predictions were wrong; he is one of the amici who submit this brief.[38]

Conclusion

Although even the academics who produced and popularized the myth of the juvenile superpredator in the 1990s have since acknowledged the wrong-headedness of their claims, the laws that were passed during this period remain on the books. Even though the Supreme Court has determined that the abolition of *mandatory* juvenile life without parole applies retroactively for those who were sentenced before 2012, this has not undone the major transformations that have taken place in the juridical status of juveniles. And while criminologists try to reverse their truth claims with more truth claims, issuing counter-enunciations that assert that new empirical research shows that

their previous empirical research was false, one is left to question the nature of truth itself and the effect that truth claims have on the construction of the law. Biopolitics reveals some of the mechanisms at work in these political operations.

Ripples in Time: An Update

What is prison? Immobility, yes, but also the manipulation of time as a form of psychic torture.

The regimentation of time.

The phenomenology of waiting.

The agony of juridical limbo.

The carceral ripple effect when any life is taken by the state, how it warps the temporalities of everyone in the orbit of the disappeared person.

I don't know how time is experienced on the inside of prison; I only know how prison mangles time from the perspective of a family member on the outside, looking in.

Nine years we sat waiting for my brother's hearing, while his appeal sat unread on some courthouse clerk's desk.

Time moved on the outside while my brother's situation remained static.

We were teenagers when he got locked up, and now he's balding.

My life slowly ambles along while my brother's life stands still.

*

My life? After living in punk houses in Baltimore for a couple of years, I ran out of money and decided to move to the desert to escape my abusive relationship and to go to poetry school.

Less than a year later, incapacitated by depression, I dropped out of my M.F.A. program and got a one-way ticket to Glasgow, Scotland, to do a filmmaking workshop for women of color.

What would I do next?

Chris Kraus said I could stay in an apartment for free in Albuquerque, New Mexico, to work on a book for Semiotext(e).

Where would I go when my time at the Semiotext(e) apartment was up?

Instead of working on my book, I spent a month and a half applying to Ph.D. programs, expecting to be rejected from all of them.

I was broke, without a job or a place to live.

*

Nothing for years for my brother, then suddenly—time accelerates.

A hearing.

With this news, we were somewhere else—
full of hope, sick to our stomachs, racked with fear—

the original trauma rent open
returning all at once.

On Christmas Day, I flew to Florida to stay with my parents while waiting for my brother's hearing.

What did I have to show for myself?

Like my older brother, I seemed to be going nowhere too.

I returned, without a degree—I was a failure, or so my father said.

Days before the hearing and a week after I had been deemed a failure by my father, the acceptances to Ph.D. programs started coming in, first from Harvard, then, five minutes later, from New York University's American Studies program.

Time accelerates. Life moves in leaps. Where was I—suddenly thrust forward. I couldn't process it. I couldn't reply to the emails. The professors at the fancy schools were wondering why I wasn't more excited about my acceptances. My father told me that accepting the Harvard offer would redeem the family.

We had been waiting for the hearing for nine years. When the day finally arrived, I could immediately tell by the judge's body language and the way she bullied my brother on the stand that it was not going well.

Then all at once, our hopes were deflated. The judge determined that new evidence, which revealed that my brother acted in self-defense when he was being jumped by a group of boys, would not have changed the minds of the jury.

That night my parents stayed up all night arguing—about what had gone wrong during the initial trial, about why the evidentiary hearing failed. I stayed awake too, mediating their fight.

The old wound, vibrating, made us all crazy.

The next day, on no sleep, I boarded a flight to San Francisco with my little brother to participate in events organized by Mills College. For months I wandered from city to city, until I landed in Cambridge, Massachusetts, to attend Harvard. I had a breakdown my first year. It was as though everything I had been trying to outrun finally had a chance to catch up to me.

Life stops. Suddenly it becomes impossible to get out of bed, and all you can do is weep. I felt guilty about being at Harvard, about having a life while my brother was in prison. I stopped checking my emails, couldn't do my schoolwork—I stopped living. My psychoanalyst sent me to McClean for partial hospitalization.

Three years into my program—I was finally learning how to live. Meanwhile, my brother was working as a barber in prison. The decisions reached in *the Miller v. Alabama* and *Montgomery v. Louisiana* federal Supreme Court cases meant that my brother was entitled to a resentencing hearing, though over the course of nearly a year, the hearing would be delayed many times.

Time stopped.

Everything was colored by anxiety. The date would arrive, but the hearing would not happen. The prosecutor promised to offer a deal. Hope stirred once again. The deal never came. Over the course of two semesters, I would fly to Florida, only to find out at the last minute that the hearing had been canceled.

Our lives were punctuated by this anxiety-inducing cycle of anticipation and deferral. Even though my brother, who was usually held in a faraway prison in northern Florida, was nearby in a county jail, we were not allowed to visit him.

For weeks leading up to the November hearing date I was incapacitated.

Nothing, nothing—muscles clenched in anticipation.

Then all at once, everything hit. The night before flying to Florida for the hearing, I was sexually assaulted by a sleazy Nietzsche scholar from the German studies graduate program at Harvard. Still reeling from the assault and a recent breakup, I dragged myself to the airport.

My father picked me up at the Tampa airport. It was night. I was now in Trump territory, though he had not yet been inaugurated. On the drive home, while my father was weepily talking about the death of Joe Biden's son ("I, too, have lost a son"), my father crashed the car into a deer that leapt in front of us.

Time stood still.

After what seemed like an eternity, my father blurted out, in his thick Chinese accent, "Oh my God! I killed a deer!"

Why was I wet? Had the blood of the deer somehow gotten into the car? I smelled like cigarettes. After sniffing the strange liquid, I remembered that in the cup holder next to the driver's seat my mother kept a half-empty cup of old coffee with cigarette butts floating in it.

When I got to my parents' house, my mom informed me that the hearing had been canceled again. Exhausted, I requested a Xanax, made a tweet about the car accident, then retired to my childhood bedroom. Someone replied to my tweet that an activist had recently died after hitting a deer while en route to Standing Rock. A week later I found out it was my friend Clark who died in that crash.

*

Juridical limbo is the extension of time within a context of uncertainty. The manipulation of time becomes a way to psychically wear someone down.

How did my brother experience it in the context of a juvenile life without parole sentence? How does someone experience the passing of time when he is condemned to live out his entire adult life in prison?

Still, we waited for the prosecutor to make a deal. If the deal came through, I would not have to fly to Florida again to testify as a character witness. I asked my mom: Should I buy my ticket anyway? We were getting close to the date of the hearing. We didn't want to go to the hearing, for we knew that Judge Joseph Bulone, the judge who initially sentenced my brother, was a hanging judge who had recently resentenced a juvenile lifer to life again.

The deal never came.

I flew to Florida. In the morning, to look "respectable" in the court of law, I covered my green hair with a brown spray my father used to cover his baldness. The lawyer said she might call me to the stand to testify first, but when I got to the courthouse, the psychologist was already testifying about my brother's mental disabilities, caused by an anoxic brain injury suffered at birth.

The judge was not paying attention—he was not even looking at the witness. Then it was the prosecutor's turn to make a statement. He was a young man who seemed completely indifferent to the case, not like the bloodthirsty madman Mike Halkitis, who had initially prosecuted my brother. When the new prosecutor reviewed the details, he was all mixed up about the basic facts of the case. It occurred to me that he had probably not even read the file.

Then it was my brother's lawyer's turn to make a statement. While she was talking, the prosecutor stood up to offer a deal. The lawyer went over to the prosecutor to discuss the terms with him: forty years. When the lawyer went over to give my brother the news, I watched my brother cry out in agony and weep with his head in his hands. *Forty years!*

Lawyer: "But you won't die in prison."

Brother: "But maybe we should just continue with the hearing?"

Lawyer: "Imagine you have just stuck the key in the ignition of a car, and if you turn it, there is a one in three chance the car will blow up. Are you going to turn the key?"

He had to decide: Would he gamble his life and turn the key?

No. He accepted the deal.

As the lawyer worked out the details with the prosecutor, I looked over at my brother. There he sat, in chains, wearing an orange jumpsuit. I watched him while weeping. The father of the Palestinian-Egyptian family who lived across the street from us was weeping too, and in front of us was the stone-cold judge I had testified in front of twelve years earlier, when I was a high schooler. Now I was a Harvard Ph.D. student, but part of my life had stood completely still.

For months after the hearing, whenever my brother called from prison, he would ask me if he made the right decision by accepting the deal.

*

After the hearing, the lawyer and my parents tried to put a positive spin on the outcome: "At least he won't die in prison." Given that my father was already seventy-two and my mother sixty-three, I knew that by the time my brother was released, my parents would likely be dead, and that sometime in my late fifties I would inherit a brother who has never spent a single day of his adult life outside of prison. Would I have my life together by then?

Somewhere in the courthouse, the judge and prosecutor were probably eating their lunches, unperturbed by what they seemed to feel was just another quotidian legal transaction. In a couple of days I would fly back to Cambridge to continue teaching two sections of a course at Harvard.

4

"This Is a Story About Nerds and Cops": PredPol and Algorithmic Policing

> *It is now possible to predict the future when it comes to crime, such as identifying crime trends, anticipating hotspots in the community, refining resource deployment decisions, and ensuring the greatest protection for citizens in the most efficient manner.*
>
> —Colleen McCue, *Data Mining and Predictive Analysis*[1]

After googling the law enforcement software start-up company PredPol (short for "predictive policing"), something strange happened—PredPol advertisements kept reappearing in my Twitter feed. PredPol wasn't on my radar at this point—I had come across the company while doing preliminary research on the use of predictive analytics in current law enforcement practices. But PredPol forced its way into my consciousness with its incessant stream of advertisements touting that the company was helping "build safer communities." The first advertisement I encountered in my feed read: "More Than a HotSpot Tool, we use no personal data to help Law Enforcement agencies to build safer communities."

The advertisement tried to reassure me that the company was not monitoring my behavior, which was somewhat unsettling given that the ad likely only appeared in my feed because of my Google searches. A few days passed without me thinking much about PredPol or its creepy ads in my Twitter feed. In the meantime, I tweeted at some of my friends who are interested in policing and technology about an essay I was developing on predictive policing. In response to a tweet I posted on data and policing, @newyorkyearzero noted that the unique thing about the statistical analysis police program CompStat was not its methodological innovations, but how it represented police "science" to the public. I replied that the use of crime

statistics to legitimize the police and prisons was nothing new; since the late nineteenth century, a data-driven approach to understanding crime has been used to perpetuate institutionalized antiblack violence and legitimize policing. Other activist intellectuals began to chime in on the conversation and share links to articles, and advertisements for PredPol began to pop up in their feeds as well as in the feeds of bystanders who follow me on Twitter but did not participate in the exchange.

PredPol's data-driven approach to policing, as well as the aggressive marketing tactics deployed by the company to legitimize its methods, makes it an ideal case to examine when trying to understand the algorithmic turn in policing. PredPol draws on many of the tenets of the "police science" paradigm to solve two contemporary crises: the crisis of legitimacy suffered by the police and a broader epistemological crisis that could be called the crisis of uncertainty. In this essay I will critique the widespread use and assessment of PredPol in the ways that it: 1) concedes to the inevitability of crime and creates zones of paranoia, 2) generates false positives that can be used to promote the product, and 3) depoliticizes policing and the construction of crime.

PredPol and Algorithmic Policing

The use of predictive analytics is standard in the commercial sector. The purchases we make at the grocery store are used to determine which coupons will be printed out with our receipt, while our past purchases on Amazon are used to generate a bottomless feed of product recommendations. However, the adaptation of predictive analytics in the realm of law enforcement has been more gradual, though in recent years there has been a substantial push by the tech industry to develop predictive policing technology. IBM has spent more than $14 billion on developing predictive analytics software for both commerce and law enforcement sectors. By late 2013, PredPol alone received $1.3 million in seed funding by Silicon Valley investors.[2]

The ideological foundation for PredPol and other predictive policing technologies can be traced to George Kelling, a criminologist who is affiliated with the conservative Manhattan Institute. Beginning in the 1980s, he advocated the use of statistical analysis to more effectively distribute law enforcement resources. In the mid-1990s, CompStat was introduced into the New York Police Department (NYPD), which encouraged officers to make

decisions about which areas to police based on statistical analysis rather than intuition. Since the 1990s, more than 150 police departments nationwide have adopted policing software and equipment that allows for statistical analysis. According to *SF Weekly*, "Interest in predictive policing spiked nationally in 2009 as the National Institute of Justice, the research and policy branch of the Department of Justice, published a series of white papers and doled out millions in grant money to seven police departments to undertake the task."[3]

The Los Angeles Police Department received one of these grants to undertake predictive policing research. At the same time, the University of California, Los Angeles (UCLA) was conducting research funded by the army, navy, and air force that used algorithms—based on earthquake predictions—to track insurgents and predict casualties in war zones overseas. This software, which was first used in Iraq and later evolved into PredPol, was the brainchild of an anthropology professor, Jeffrey Brantingham; a math professor, Andrea Bertozzi; and a mathematics postdoctoral researcher, George Mohler.

Sean Malinowski, who oversaw the LAPD predictive policing grant, linked the efforts of the LAPD with the predictive policing methods that were being developed at UCLA. Malinowski attended the Egyptian National Police Academy in Cairo, where he studied counterterrorism. Later, the federal-funded research project was turned into a Silicon Valley start-up when Mohler, who became a professor at Santa Clara University, made connections with Ryan Coonerty, Caleb Baskin, and Zach Friend. Mohler noted that "Zach was a media mastermind—he'd worked in the press office of the 2008 Obama campaign. Once PopSci and The New York Times picked up the story, it was off to the races."[4] Thus, the developers of PredPol were concerned with not only creating a tool that would make law enforcement more efficient, but also constructing a brand that would pique the interest of the media.

The Crisis of Legitimacy

In the twentieth century, police brutality and violence against people of color has historically been a catalyst for riots, uprisings, and civil unrest in the United States. In the post–civil rights era, the riot most prominently seared into the public imagination is the 1992 Los Angeles riot, which erupted on April 29, 1992, following the acquittal of the four police officers charged with

the beating of Rodney King. Though the 1992 riots were the largest the United States has seen since the 1960s, numerous riots sparked by police violence against young black men have occurred in such cities as Cincinnati (2001), Oakland (2009), and, most recently, Ferguson (2014).

In the past several years there has been a shift in public perception of the police. In 2014 the American Civil Liberties Union released a lengthy report on the militarization of the police, based on information it collected after filing more than 255 Freedom of Information Act requests in 2013. Interactions between police and social movements have also shaped the public perception of the police. In 2011 the mass arrests and violent evictions of protesters who participated in the Occupy movement generated public discussion about the militarization of the police and the use of excessive force against peaceful demonstrators. Though liberals and radicals were initially ambivalent about how these emerging social movements should relate to the police, the discourse has shifted toward a more critical stance toward the police.

In recent years, the police's growing crisis of legitimacy is apparent in the wave of urban and suburban uprisings that have taken place in response to the murder of young black men by police officers, as well as to widespread racial profiling (more recent campaigns have included women, trans, and gender nonconforming people as well). In 2011, at the peak of New York City's stop-and-frisk program, 87 percent of the people stopped and frisked were black or Latinx.[5] Massive demonstrations against stop-and-frisk took place in New York City in 2012, and in 2013 Bill de Blasio was elected mayor of New York City on a promise to overhaul stop-and-frisk. The riots and protests in Ferguson, sparked by the murder of Mike Brown, and the mass demonstrations ignited by the grand jury decisions not to indict the officers who murdered Mike Brown and Eric Garner mark the pinnacle of the police's crisis of legitimacy. Around the United States and beyond, people are chanting "No justice, no peace, no racist police."

According to the National Institute of Justice, "Research consistently shows that minorities are more likely than whites to view law enforcement with suspicion and distrust."[6] This distrust of police has been widespread among communities of color for a very long time. In the last half decade, the majority of the major urban uprisings and riots that have occurred in the United States were ignited by police violence. Antipolice sentiment also became spectacularly

visible when, in the late 1960s, the Black Panther Party (BPP) formed armed patrols to "police the police" in black neighborhoods. The BPP asserted that police brutality was a cornerstone of American racism, and it also popularized use of the derogatory term "pig" to refer to cops.[7]

The legitimacy of the police has always been questioned by those who are most affected by policing, such as the poor black and brown people who are routinely stopped and frisked, harassed, surveilled, and forced to live under the glare of the massive floodlights posted around New York City Housing Authority housing projects under the NYPD's "Omnipresence" program. However, in recent years this discontent has been generalized as a result of the street protests and riots that have been ignited in response to instances of police violence, as well as to the rapid spread of damning footage of police murders captured on cell phones.

In 2011, Harvard's John F. Kennedy School of Government and the National Institute of Justice published a paper titled "Police Science: Toward a New Paradigm," the ideas of which were developed at the Executive Session on Policing and Public Safety hosted at Harvard University. The paper calls for a "radical reformation of the role of science in policing" that prioritizes evidence-based policies and emphasizes the need for closer collaboration between universities and police departments.[8] In the opening paragraph, the authors, David Weisburd and Peter Neyroud, assert that "the advancement of science in policing is essential if police are to retain public support and legitimacy."[9] Given that critics of the police associate law enforcement with the arbitrary use of force, racial domination, and the discretionary power to make decisions about who will live and who will die, the rebranding of policing in a way that foregrounds statistical impersonality and symbolically removes the agency of individual officers is a clever way to cast police activity as neutral, unbiased, and rational. This glosses over the fact that using crime data gathered by the police to determine where officers should go simply sends police to patrol the poor neighborhoods they have historically patrolled when they were guided by their intuitions and biases.

This "new paradigm" is not merely a reworking of the models and practices used by law enforcement, but a revision of the police's public image through the deployment of science's claims to objectivity. As Zach Friend, the man behind PredPol's media strategy, noted in an interview, "it kind of sounds like

fiction, but it's more like science fact."[10] By appealing to "fact" and recasting policing as a neutral science, algorithmic policing attempts to solve the police's crisis of legitimacy.

The Crisis of Uncertainty

> *Whereas repression has, within cybernetic capitalism, the role of warding off events, prediction is its corollary, insofar as it aims to eliminate all uncertainty connected to all possible futures. That's the gamble of statistics technologies. Whereas the technologies of the Providential State were focused on the forecasting of risks, whether probabilized or not, the technologies of cybernetic capitalism aim to multiply the domains of responsibility/authority.*
>
> —Tiqqun, *The Cybernetic Hypothesis*[11]

Uncertainty is at once a problem of information and an existential problem that shapes how we inhabit the world. If we concede that we exist in a world that is fundamentally inscrutable for individual humans, then we also admit to being vulnerable to any number of risks that are outside our control. The less "in control" we feel, the more we may desire order. This desire for law and order—which is heightened when we are made aware of our corporeal vulnerability to potential threats that are unknowable to us—can be strategically manipulated by companies that use algorithmic policing practices to prevent crime and terrorism at home and abroad. Catastrophes, war, and crime epidemics may further deepen our collective desire for security.

In the age of "big data," uncertainty is presented as an information problem that can be overcome with comprehensive data collection, statistical analysis that can identify patterns and relationships, and algorithms that can determine future outcomes by analyzing past outcomes. Predictive policing promises to remove the existential terror of not knowing what is going to happen by using data to deliver accurate knowledge about where and when crime will occur. Data installs itself as a solution to the problem of uncertainty by claiming to achieve total awareness and overcome human analytical limitations. As Mark Andrejevic writes in *Infoglut*, "The promise of automated data processing is to unearth the patterns that are far too complex for any human analyst to detect and to run the simulations that generate emergent patterns that would otherwise defy our predictive power."[12]

The anonymous French ultraleftist collective Tiqqun links the rise of the crisis of uncertainty to the rise of cybernetics. Tiqqun describes cybernetics—a

discipline founded by Norbert Wiener and others in the 1940s—as an ideology of management, self-organization, rationalization, control, automation, and technical certitude. According to Tiqqun, this ideology took root following World War II. It seeks to resolve "the metaphysical problem of creating order out of disorder" to overcome crisis, instability, and disequilibrium, which Tiqqun asserts is an inherent by-product of capitalist growth.[13] However, the "metaphysical" problem of uncertainty that is created by crisis enables cybernetic ideology to take root. Drawing on Giorgio Agamben's *State of Exception*, Tiqqun writes, "The state of emergency, which is proper to all crises, is what allows self-regulation to be relaunched."[14] Even though, by nearly every metric, "Americans now live in one of the least violent times in the nation's history," Americans believe that crime rates are going up.[15] Empirically, there is no basis for the belief that there is an unprecedented crime boom that threatens to unravel society, but affective investments in this worldview expand the domain of surveillance and policing and authorizes what Manuel Abreu calls "algorithmic necropower."[16] The security state's calculation of risk through data-mining techniques sanctions the targeting of "threats" for death or disappearance. Though the goal of algorithmic policing is, ostensibly, to reduce crime, if there were no social threats to manage, these companies would be out of business.

Whether or not we accept Tiqqun's account of how capitalist growth generates a metaphysical crisis that enables the installation of cybernetic governance, it is clear that PredPol appeals to our desire for certitude and knowledge about the future. UCLA professor Brantingham emphasizes, in his promotion of PredPol, that "humans are not nearly as random as we think."[17] Drawing on evolutionary notions of human behavior, Brantingham describes criminals as modern-day urban foragers whose desires and behavioral patterns can be predicted. By reducing human actors to their innate instincts and applying complex mathematical models to track the behavior of these urban "hunter-gathers," Brantingham's predictive policing model attempts to create "order" out of the seeming disorder of human behavior.

Paranoia

But what does PredPol actually do? How does it actually work? PredPol is a software program that uses proprietary algorithms (modeled after equations used to determine earthquake aftershocks) to determine where and when crimes will occur based on data sets of past crimes. In Santa Cruz, California, one of the pilot cities to first use PredPol, the company used eleven years of local crime data to make predictions. In police departments that use PredPol, officers are given printouts of jurisdiction maps that are covered with red square boxes that indicate where crime is supposed to occur throughout the day. Officers are supposed to periodically patrol the boxes marked on the map in the hopes of either catching criminals or deterring potential criminals from committing crimes. The box is a kind of *temporary crime zone*: a geospatial area generated by mathematical models that are unknown to average police officers who are not privy to the algorithms, though they may have access to the data that is used to make the predictions.

What is the attitude or mentality of the officers who are patrolling one of the boxes? When they enter one of the boxes, do they expect to stumble upon a crime taking place? How might the expectation of finding crime influence what the officers actually find? Will people who pass through these temporary crime zones while they are being patrolled by officers automatically be perceived as suspicious? Could merely passing through one of the red boxes constitute probable cause? Some of these questions have already been asked by critics of PredPol. As Nick O'Malley notes in an article on PredPol, "Civil rights groups are taking [this] concern seriously because designating an area a crime hot spot can be used as a factor in formulating 'reasonable suspicion' for stopping a suspect."[18]

When the Cleveland police officer Timothy Loehmann arrived on the scene on November 22, 2014, it took him less than two seconds to fatally shoot Tamir Rice, a twelve-year-old black boy who was playing with a toy gun. This raises the question—if law enforcement officers are already too trigger-happy, will the little red boxes that mark temporary crime zones reduce the reaction time of officers while they're in the designated boxes? How does labeling a space as an area where crime will occur affect how police interact with those spaces? Although PredPol conceptualizes the terrain that is being policed as a field where natural events occur, the way that data is interpreted

and visualized is not a neat reflection of empirical reality; rather, data visualization actively *constructs* our reality.

Furthermore, how might civilians experience passing through one of the boxes? If I were to one day find myself in an invisible red box with an officer, I might have an extra cause for fear, or at least I would be conscious of the fact that I might be perceived as suspicious. But given that I am excluded from knowledge of where and when the red boxes will emerge, I cannot know when I might find myself in one of these temporary crime zones. Using methods that are inscrutable to citizens who do not have access to law enforcement knowledge and infrastructure, PredPol is remaking and rearranging the space through which we move. That is the nature of algorithmic policing; the phenomenological experience of policing is qualitatively different from "repressive" policing, which takes place on a terrain that is visible and uses methods that can be scrutinized and contested. Predictive policing may induce a sense of being watched at all times by an eye we cannot see. If Jeremy Bentham's eighteenth-century design of the "panopticon" is the architectural embodiment of Michel Foucault's conception of disciplinary power, then algorithmic policing represents the inscription of disciplinary power across the entire terrain that is being policed.

False Positives

Given the difficulty of measuring the efficacy of predictive policing methods, there is a risk of falsely associating "positive" law enforcement outcomes with the use of predictive policing software such as PredPol. The literature on PredPol is also fuzzy on the question of how to measure its success. When police officers are dispatched to the 500-by-500 feet square boxes marked in red on city maps, are they expected to catch criminals in the act of committing crimes, or are they supposed to deter crime with their presence? The former implies that an increase in arrests in designated areas would be a benchmark of success, while the latter implies that a decrease in crime is proof of the software's efficacy. However, both outcomes have been used to validate the success of PredPol. A news clip from its official YouTube account narrates the story of how the Norcross Police Department (Georgia) caught two burglars in the act of breaking into a house. Similarly, an article about PredPol published on Officer.com opens with the following anecdote: "Recently a Santa Cruz,

Calif. police officer noticed a suspicious subject lurking around parked cars. When the officer attempted to make contact, the subject ran. The officer gave chase; when he caught the subject he learned he was a wanted parolee. Because there was an outstanding warrant for his arrest, the subject was taken to jail."[19]

Much of the literature PredPol uses for marketing offers similarly mystical accounts of the software's clairvoyant capacity to predict crime, and these are substantiated by anecdotes about officers stumbling upon criminals in the act of committing these crimes. However, PredPol consistently claims that its efficacy can be measured by a decrease in crime. Yet across the country, crime rates have been plummeting since the mid-1990s. In some cases, the company tries to take credit for crime reduction by implying that there is a causal relationship between the use of PredPol and a decrease in crime rates, sometimes without explicitly making the claim. In an article linked on PredPol's website, the author notes, "When Santa Cruz implemented the predictive policing software in 2011, the city of nearly 60,000 was on pace to hit a record number of burglaries. But by July burglaries were down 27 percent when compared with July 2010."[20] Yet crime rates fluctuate from year to year, and it is impossible to parse which factors can be credited with reducing crime. Though the article does not explicitly attribute the crime reduction to PredPol, it implicitly links the use of PredPol to the 27 percent burglary reduction by juxtaposing the two separate occurrences—the adoption of PredPol and the decrease in burglaries—so as to construct a presumed causal relation. The article goes on to use explanations made by Zach Friend (about why and how PredPol works) to validate its efficacy. Friend is described as "a crime analyst with the Santa Cruz PD"; however, Friend actually left the Santa Cruz Police Department to become one of the main lobbyists for PredPol soon after the company was founded.

By scrutinizing the PR circuits that link the UCLA researchers to the police, and link Silicon Valley investors to the media, one realizes that essentially all claims about the efficacy of PredPol loop back to the company itself. Though PredPol's website advertises "scientifically proven field results," no disinterested third party has ever substantiated the company's claims. What's even more troubling is that PredPol offered 50 percent discounts on the software to police departments that agreed to participate as "showcase cities" in PredPol's pilot program. The program required collaboration with the

company for three years and required police departments to provide testimonials that could be used to market the software. For instance, *SF Weekly* notes that:

> the city of Alhambra, just northeast of Los Angeles, purchased PredPol's software in 2012 for $27,500. The contract between Alhambra and PredPol includes numerous obligations requiring Alhambra to carry out marketing and promotion on PredPol's behalf. Alhambra's police and public officials must "provide testimonials, as requested by PredPol," and "provide referrals and facilitate introductions to other agencies who can utilize the PredPol tool."[21]

In "The Difference Prevention Makes: Regulating Preventive Justice," David Cole describes five major risks that come with the adoption of the "paradigm of prevention" in law enforcement. He notes that "it is not just that we cannot know the efficacy of prevention; our assessments are likely to be systematically skewed."[22] Others have raised similar concerns with PredPol. According to O'Malley, "The American Criminal Law Review has raised concerns the program could warp crime statistics, either by increasing the arrest rate in the boxes through extra policing or falsely reducing it through diffusion."[23]

The Politics of Crime Data

Crime has never been a neutral category. What counts as crime, who gets labeled criminal, and which areas are policed have historically been racialized. Brantingham, the anthropologist who helped create PredPol, noted, "The focus on time and location data—rather than the personal demographics of criminals—potentially reduces any biases officers might have with regard to suspects' race or socioeconomic status." Though it is true that PredPol is a spatialized form of predictive policing that does not target individuals or generate heat lists, spatial algorithmic policing, even when it does not use race to make predictions, can facilitate racial profiling by calculating proxies for race, such as neighborhood and location. Furthermore, predictive models are only as good as the datasets they use to make predictions, so it is important to interrogate *who* collects data and *how* it is collected. Although data has been conceptualized as neutral bits of information about our world and our behaviors, in the domain of criminal justice, it is a reflection of who has been targeted for surveillance and policing. If someone commits a crime in an area that is not heavily policed—such as on Wall Street or in the white suburbs—it

will fail to generate any data. PredPol's reliance on the dirty data collected by the police may create a feedback loop that leads to the ossification of racialized police practices. Furthermore, when applied to predictive policing, the idea that "more data is better," in that it would improve accuracy and efficiency, justifies dragnet surveillance and the expansion of policing and carceral operations that generate data.

Though PredPol presents itself as race-neutral, its treatment of crime as an objective force that operates according to laws that govern natural phenomena, such as earthquake aftershocks—and not as a socially constructed category that has meaning only in a specific social context—ignores the a priori racialization of crime, and specifically the association of crime with blackness. Historian Khalil Gibran Muhammad's *The Condemnation of Blackness: Race, Crime and the Making of Modern America* traces how "[a]t the dawn of the twentieth century, in a rapidly industrializing, urbanizing, and demographically shifting America, blackness was refashioned through crime statistics. It became a more stabilizing racial category in opposition to whiteness through racial criminalization."[24] Muhammad describes how data was used primarily by social scientists in the North to make the conflation of blackness and criminality appear objective and empirically sound, thus justifying a number of antiblack social practices such as segregation, racial violence, and penal confinement. The consolidation of this "scientific" notion of black criminality also enabled formerly criminalized immigrant populations—such as the Polish, Irish, and Italians—to be assimilated into the category of whiteness. As black Americans were pathologized by statistical discourse, the public became increasingly sympathetic to the problems of European ethnic groups, and white ethnic participation in criminal activities was attributed to structural inequalities and poverty, as opposed to personal shortcomings or innate inferiority. According to Muhammad, the 1890 census laid much of the groundwork for this ideology. He describes how statistics about higher rates of imprisonment among black Americans, particularly in northern penitentiaries, were "analyzed and interpreted as definitive proof of blacks' true criminal nature."[25] Thus, biological and cultural racism was eventually supplanted by statistical racism.

While the methods developed by PredPol themselves are not explicitly racialized, they are implicitly racialized insofar as geography is a proxy for race.

Furthermore, given that crime has historically been racialized, taking crime for granted as a neutral—or rather, *natural*—category around which to organize predictive policing practices is likely to reproduce racist patterns of policing. As PredPol relies on data about where previous crimes have occurred, and as police are more likely to police neighborhoods that are primarily populated by people of color (as well as target people of color for searches and arrests), then the data itself that PredPol relies on is systematically skewed. By presenting its methods as objective and racially neutral, PredPol veils how the data and the categories it relies on are already shaped by structural racism.

Conclusion

The story of policing in the twenty-first century cannot be reduced to the stereotypical image of bellicose, meathead officers looking for opportunities to catch bad guys and to flaunt their institutional power. As Donnie Fowler, the PredPol director of business development, was quoted saying in the *Silicon Valley Business Journal*, twenty-first-century policing could more accurately be described as "a story about nerds and cops."[26] However, more than a story of an unlikely marriage between data-crunching professors and crime-fighting officers, the story of algorithmic policing, and PredPol in particular, is also a story of intimate collaboration between domestic law enforcement, the university, the Department of Defense, Silicon Valley, and the media. It is a story of a form of techno-governance that operates at the intersection between knowledge and power. Yet the numerical and data-driven approach embodied by PredPol has been taken up in a number of domains. In both finance and policing, there has been a turn toward technical solutions to the problem of uncertainty, solutions that attempt to manage risk using complex and opaque mathematical models. Yet, although the language of risk has replaced the language of race, both algorithmic policing and risk-adjusted finance merely codes racial inequality as risk. It is important that we pay attention to this paradigm shift, as once the "digital carceral infrastructure" is built up, it will be nearly impossible to undo, and the automated carceral surveillance state will spread out across the terrain, making greater and greater intrusions into our everyday lives.[27] Not only will the "smart" state have more granular knowledge of our movements and activities, but as the carceral state becomes

more automated, it will increase its capacity to process ever-greater numbers of people, even when budgets remain stagnant or are cut.

Though it is necessary to acknowledge the invisible, algorithmic (or "cybernetic") underside of policing, it is important to recognize that algorithmic policing has not supplanted repressive policing, but is its corollary. "Soft control" has not replaced hard forms of control. Police have become more militarized than ever as a result of the $34 billion in federal grants that have been given to domestic police departments by the Department of Homeland Security in the wake of 9/11. While repressive policing attempts to respond to events that have already occurred, algorithmic policing attempts to maintain law and order by actively preventing crime. Yet is it possible that the latter actually creates a situation that leads to the multiplication of threats rather than the achievement of safety? As predictive policing practices are taken up by local police departments across the country, perhaps we might consider the extent to which, as Tiqqun writes, "the control society is a paranoid society."[28]

5

The Cybernetic Cop: RoboCop and the Future of Policing

This essay is an adaptation of a multimedia performance originally conceived for the L.A. Filmforum's Cinema Cabaret (curated by Konrad Steiner). It was also performed at MoMA PS1 at The Return of Schizo-Culture *on the occasion of the fortieth anniversary of Semiotext(e). A video version of the performance was produced for the Whitney Museum of Art's S/N exhibition at The Kitchen, with assistance from curator Alexander Fleming. The video can be viewed at: https://youtu.be/bUbQh8HegLU.*

I grew up with a little brother who had a RoboCop toy, and we would sit around taking turns touching the chest plate button that would activate actuated electronic speech. The RoboCop toy had three phrases: "Drugs are trouble," "Drop it!" and "Your move, creep." For the toy RoboCop, criminals were the enemy, but we were implicated; we were the "you," the addressees, the potential targets. We were the creeps of "your move, creep,"—it was we, the

ones holding the toy, and not the Omni Consumer Products corporation, who used agent Murphy's half-dead body as raw material for the creation of a cyborg cop designed to clean up the streets and pave the way for commerce and development in a lawless, dystopic Detroit.

Little cop in the toy box.

This toy RoboCop seemed to be saying,

Everyone is a potential enemy.

Don't do drugs, kids, don't do that shit.

As a youth, I never did any drugs. Was it the RoboCop inside my head that stopped me from doing drugs? I can still hear the mantra that emanated from the voice box in his chest: *Drugs are trouble*.

This was the RoboCop of the early 1990s, not 1987. The first RoboCop came out the year before I was born. The RoboCop of yesteryear was at war with his creators. Sure, criminals too were to be dealt with; without the criminal, there is no cop. But the criminals were a red herring. Ultimately, they were merely the lackeys of the suited businessmen.

RoboCop's pursuit of the truth of his origin laid bare a technocratic capitalist conspiracy.

RoboCop—naive, quixotic in his belief that the role of the police is to protect the citizenry—represents a certain *idea* of the police that circulates as a public fact. When RoboCop was programmed, his three primary directives were to serve the public trust, protect the innocent, and uphold the law. The fourth classified directive: *No fucking with your creator.*

He was a dutiful cop, but as he becomes more human, he learns that the nature of policing has changed such that it has lost its moral legitimacy. Private interests have taken over the police department. The men at the OCP megacorporation repeatedly make reference to the future of law enforcement: previously unprofitable public sectors such as prisons and law enforcement are actually just untapped markets.

What is the future of law enforcement?
What is the future of law enforcement?
A technological experiment in cyborg policing
Half man, half machine
Skin and circuitry
A recombinant assemblage
Of soft and hard police technologies.

He's equipped with artillery such as a 9mm handgun and a Cobra Assault Cannon, but also a data spike that lets him download information from the police database and rapidly compare these records with the information he's gathered.

What is the future of law enforcement? RoboCop is it. It is the place where the violence and coercion of prisons and police meet soft counterinsurgency. On the one hand, the militarization of the police. On the other, cybernetic forms of control. The old Detroit of RoboCop, devastated by the effects of Reaganomics, becomes the corporation's testing ground for technologies of war. Nowadays, data mining and predictive analytics work alongside these instruments of brute force.

What I wanted to do was look beneath the hood of what we call policing—to look beyond spectacles of police violence, images from Ferguson of police in full riot gear hurling tear gas canisters from armored tanks. What I wanted to understand was the everyday incursion of policing into our lives and how technology regulates us, sometimes without our knowing. I wanted to attend to the *intrusive-unseen* against the backdrop of dystopic cinematic projections of what policing could become. *Because the future of law enforcement is now.*

But do we not sense it all around us?
Do we not feel through our sensoria that something is off?

When I hold my iPhone in my hand for too long, I can almost feel a cancer growing inside it.

Does passing CCTV cameras mutate your psyche?

Do you hear the surveillance camera whisper,

Your body is not your body,
your body is a point on a grid,
a thing to be tracked
or pacified
or captured
or flagged
or targeted for commercial purposes.

RoboCop is not the cybernetic cop par excellence, though he embodies this transition to techno-policing. The cybernetic cop has no face. Today we might call the cybernetic cop *CompStat*—it lives in linked databases. It spreads out over the map as electromagnetic radiation, atmosphere, signals. It is inhaled. It moves through me. It puts me to sleep before I know I am tired. It captures me in a moment I never prepared for. When I look up into the surveillance camera at CVS, I notice that my bangs are out of place. I fix my hair as though the monitor is a mirror and I'm not on display.

I disintegrate and am sent in pieces
as information to a server.
But where am I?
Dismembered,
scattered around the world,
folded,
tucked
away
in a dusty
airless
archive.

*

In "The Cybernetic Hypothesis," Tiqqun writes about how it might mean to become a glitch:

> I fabricate the real, I break things down, and break myself down by breaking it all down. This is the source of all acts of sabotage. What my act represents at this moment doesn't exist for the device breaking down with me. Neither 0 nor 1, I am the absolute outsider/third party. My orgasm surpasses devices/my joy infuriates them. Second gesture: I do not respond to the

human or mechanical feedback loops that attempt to encircle me/figure me out; like Bartleby, I'd "prefer not to." I keep my distance, I don't enter into the space of the flows, I don't plug in, I stick around. I wield my passivity as a force against the devices. Neither 0 nor 1, I am absolute nothingness. Firstly: I cum perversely. Secondly: I hold back. Beyond. Before. Short Circuiting and Unplugging. In the two cases the feedback does not take place and a line of flight begins to be drawn. An external line of flight on the one hand that seems to spread outwards from me; an internal line of flight that brings me back to myself. All forms of interference/fog come from these two gestures, external and internal lines of flight, sabotage and retreat, the search for forms of struggle and for the assumption of different forms-of-life.[1]

6

Against Innocence: Race, Gender, and the Politics of Safety

> Saidiya V. Hartman: *I think that gets at one of the fundamental ethical questions/problems/crises for the West: the status of difference and the status of the other. It's as though in order to come to any recognition of common humanity, the other must be assimilated, meaning in this case, utterly displaced and effaced: "Only if I can see myself in that position can I understand the crisis of that position." That is the logic of the moral and political discourses we see every day—the need for the* innocent *black subject to be victimized by a racist state in order to see the racism of the racist state. You have to be exemplary in your goodness, as opposed to …*
>
> Frank Wilderson: [laughter] *A nigga on the warpath!*[1]

While I was reading the local newspaper, I came across a story that caught my attention. The article was about a seventeen-year-old boy from Baltimore named Isaiah Simmons who died in a juvenile facility in 2007, when five to seven counselors suffocated him while restraining him for hours. When Simmons was unresponsive, the counselors dumped his body in the snow and did not call for medical assistance for more than forty minutes. In late March 2012, the case was thrown out. None of the counselors involved in his murder were charged. An article I found online about the case was titled "Charges Dropped Against 5 In Juvenile Offender's Death."[2] By emphasizing that it was a juvenile *offender* who died, the article immediately flags Simmons as a criminal, signaling to readers that his death is inconsequential and thus not worthy of sympathy. Every comment posted on the article was crude and contemptuous. The general sentiment was that his death was no big loss to society. The news about the case being thrown out barely registered at all.[3] There was no public outcry, no call to action, no discussion of the myriad issues bound up with Simmons's death: youth incarceration, racism, the

privatization of prisons and jails (he died at a private facility), medical neglect, state violence, and so forth.

For weeks after reading the article, I contemplated these questions: What is the difference between Trayvon Martin and Isaiah Simmons? Which cases galvanize activists into action, and which are ignored? In the wake of the Jena Six, Troy Davis, Oscar Grant, Trayvon Martin, and other high-profile cases,[4] I have taken note of the patterns that structure political appeals, particularly the way *innocence* becomes a necessary precondition for the launching of mass antiracist political campaigns. These campaigns often focus on prosecuting and harshly punishing the individuals responsible for overt and locatable acts of racist violence, thus positioning the state and the criminal justice system as *allies and protectors of the oppressed*. When the "innocence" of a black victim is not established, he or she will not become a suitable spokesperson for the cause.[5] An empathetic structure of feeling based on appeals to innocence has come to ground contemporary antiracist politics. Within this framework, empathy can be established only when a person meets the standards of authentic victimhood and moral purity, which requires black people, in the words of Frank Wilderson, to be cleansed of "niggerization." Social, political, cultural, and legal *recognition* happens only when a person is thoroughly whitewashed, neutralized, and made unthreatening. The "spokesperson" activist model, which involves the isolation of cases considered "exemplary," also tends to emphasize the individual rather than the collective nature of racist injuries. Framing oppression in terms of individual actors is a liberal tactic that dismantles collective responses to oppression and diverts attention from structural violence.

Using "innocence" as the foundation to address antiblack violence is an *appeal to the white imaginary*, though these arguments are certainly made by people of color as well. Relying on this framework re-entrenches a logic that criminalizes race and constructs docile subjects. A liberal politics of recognition can only reproduce a guilt-innocence schematization that fails to grapple with the fact that there is an a priori association of blackness with guilt (criminality). Perhaps *association* is too generous—there is a flat-out conflation of the terms. As Wilderson notes in "Gramsci's Black Marx: Whither the Slave in Civil Society?" the cop's answer to the black subject's question—*why did you shoot me?*—follows a tautology: "I shot you because you are Black; you are

Black because I shot you."[6] In the words of Frantz Fanon, the cause is the consequence.[7]

Not only are black men assumed guilty until proven innocent, blackness itself is considered synonymous with guilt.[8] Authentic victimhood, passivity, moral purity, and the adoption of a whitewashed position are necessary for recognition in the eyes of the state. Wilderson, quoting N.W.A., notes that "a nigga on the warpath" cannot be a proper subject of empathy.[9] The desire for recognition compels political subjects to seek alliance with the state and to sacrifice themselves in order to meet the standards of victimhood. This is also the logic of rape-revenge narratives: only after a woman is thoroughly degraded can audiences begin to tolerate her rage (outside of films and books, violent women are not tolerated even when they have the "moral" grounds to fight back, as exemplified by the high rates of women who are imprisoned or sentenced to death for murdering or assaulting abusive partners).

Although it is sometimes necessary to make "innocence" appeals for strategic reasons—to win a case or to influence public opinion—these strategies become problematic when they reinforce a framework that renders revolutionary and insurgent politics unimaginable. The prison abolitionist Ruth Wilson Gilmore notes that "while saving anyone is a good thing to do, to try to assert innocence as a key political organizing strategy is to turn a blind eye to the system and how it works."[10] For Gilmore, the problem "is not to figure out how to determine or prove the innocence of certain individuals or certain classes of people, but to attack the general system through which criminalization proceeds."[11] These appeals to innocence are also anachronistic because they do not address the transformation and reorganization of racist strategies in the post–civil rights era. A politics of innocence is only capable of acknowledging examples of direct, individualized acts of racist violence while obscuring the racism of a putatively color-blind liberalism that operates on a structural level. Posing the issue in terms of personal prejudice feeds the fallacy of racism as an individual intention, feeling, or personal prejudice, though there is certainly a psychological and affective dimension of racism that exceeds the individual in that it is shaped by social norms and media representations. The liberal color-blind paradigm of racism submerges race beneath the

"commonsense" logic of crime and punishment.[12] This effectively conceals racism because it is not considered racist to be against crime. Such cases as the execution of Troy Davis—in which the courts come under scrutiny for racial bias—also legitimize state violence by treating such cases as exceptional. The political response to the murder of Troy Davis does not challenge the assumption that communities need to clean up their streets by rounding up criminals, for it relies on the claim that Davis is not one of those feared criminals, but *an innocent black man*. Innocence, however, is often code for *nonthreatening to white civil society*. Troy Davis is differentiated from other black men—the *bad* ones—and the legal system is diagnosed as being *infected* with racism, masking the fact that the legal system is the constituent mechanism through which racial violence is carried out (wishful last-minute appeals to the right to a *fair* trial reveal this, for they assume that trials are intended to be fair). The state is imagined to be deviating from its intended role as protector of the people rather than being the primary perpetrator. H. Rap Brown provides a sobering reminder that "Justice means 'just-uswhite-folks.' There is no redress of grievance for Blacks in this country."[13]

While there are countless examples of overt racism, black social (and physical) death is primarily achieved via coded discourses of "criminality" and mediated forms of state violence carried out by an impersonal carceral apparatus (a matrix of police, prisons, the legal system, prosecutors, parole boards, prison guards, probation officers, and so forth). In other words, incidents where a biased individual attacks or discriminates against a person of color can be identified as racism to "conscientious persons," but the racism underlying the systematic imprisonment of black Americans under the pretense of the War on Drugs is more difficult to locate and generally remains invisible because it is spatially confined. When it is visible, it fails to arouse public sympathy, even among the black leadership. As Loïc Wacquant, a scholar of the carceral state, asks, "What is the chance that white Americans will identify with Black convicts when even the Black leadership has turned its back on them?"[14]

The abandonment of black convicts by civil rights organizations is reflected in the history of these organizations. From 1975 to 1986, the NAACP and the Urban League identified imprisonment as a central issue, and the disproportionate incarceration of black Americans was understood as a

problem that was structural and political. Spokespersons from the civil rights organizations related imprisonment to the general confinement of black Americans. Imprisoned black men were, as Wacquant notes, portrayed inclusively as "brothers, uncles, neighbors, friends."[15] Between 1986 and 1990 there was a dramatic shift in the rhetoric and official policy of the NAACP and the Urban League that exemplifies the turn to a politics of innocence. By the early 1990s, the NAACP had dissolved its prison program and ceased publication of articles about rehabilitation and post-imprisonment issues. Meanwhile, these organizations began to embrace the rhetoric of individual responsibility and a tough-on-crime stance that encouraged blacks to collaborate with police to get drugs out of their neighborhoods, even going as far as endorsing harsher sentences for minors and recidivists.

Black convicts, initially a part of the "we" articulated by civil rights groups, became *them*. Wacquant writes, "This [hesitation to advocate for Black convicts] is further reinforced by the fact, noted long ago by W. E. B. Du Bois, that the tenuous position of the black bourgeoisie in the socioracial hierarchy rests critically on its ability to distance itself from its unruly lower-class brethren: to offset the symbolic disability of blackness, middle-class African Americans must forcefully communicate to whites that they have 'absolutely no sympathy and no known connections with any black man who has committed a crime.'"[16] When the black leadership and middle-class blacks differentiate themselves from poorer blacks, they feed into a notion of black exceptionalism that is used to dismantle antiracist struggles. This class of exceptional blacks (Barack Obama, Condoleeza Rice, Colin Powell) supports the image of America as a post-racial society.

The root of this shift in the rhetoric and policy of civil rights organizations is perhaps a fear of affirming the conflation of blackness and criminality. However, by not advocating for prisoners, they shore up and extend the penal state by individualizing, depoliticizing, and decontextualizing the issue of "crime and punishment" and vilifying those most likely to be subjected to racialized state violence. This disidentification with poor, urban black Americans is not limited to black men, but also affects black women, who are vilified via the figure of the Welfare Queen, portrayed as a lazy, sexually irresponsible burden on society (particularly hardworking white Americans). The welfare state and the penal state complement each other, as revealed by

Bill Clinton's 1998 statements denouncing prisoners and ex-prisoners who receive welfare or Social Security: he condemns former prisoners who receive welfare assistance, accusing them of deviously committing "fraud and abuse" against "working families" who "play by the rules."[17] Furthermore, this complementarity is gendered. Black women are the shock absorbers of the social crisis created by the penal state: the incarceration of black men profoundly increases the burden put on black women, who are forced to perform more waged and unwaged (caring) labor, raise children alone, and who are punished by the state when their husbands or family members are convicted of crimes (for example, a family cannot receive housing assistance if someone in the household has been convicted of a drug felony). The reconfiguration of the welfare state under the Clinton administration (which imposed stricter regulations on welfare recipients) further intensified the backlash against poor black women. In this view, the welfare state is the apparatus used to regulate poor black women who are not subjected to regulation by the penal state that is directed chiefly at black men—though it is important to note that the feminization of poverty and the punitive turn in nonviolent crime policy led to a 400 percent increase in the female prison population between 1980 and the late 1990s.[18] Racialized patterns of incarceration and the assault on the urban poor are not seen as a form of racist state violence because, in the eyes of the public, convicts (along with their families and associates) deserve such treatment. The politics of innocence directly fosters this culture of vilification, even when it is used by civil rights organizations.

White Space

> [C]rime porn often presents a view of prisons and urban ghettoes as "alternate universes" where the social order is drastically different, and the links between social structures and the production of these environments is conveniently ignored. In particular, although they are public institutions, prisons are removed from everyday US experience.
>
> —Jessi Lee Jackson and Erica R. Meiners[19]

The urban landscape is organized according to a spatial politics of safety. Bodies that arouse feelings of fear, disgust, rage, guilt, or even discomfort must be made disposable and targeted for removal in order to secure a sense of safety for whites. In other words, the space that white people occupy must be

cleansed. The visibility of poor black bodies (as well as certain nonblack people of color, trans people, homeless people, differently abled people, and so forth) induces anxiety, so these bodies must be contained, controlled, and removed. Prisons and urban ghettos prevent poor black and brown bodies from contaminating white space. Historically, appeals to the sexual safety of women have sanctioned the expansion of the police and prison regimes while conjuring the racist image of the black male rapist. With the rise of the women's liberation movement in the 1970s came an increase in public awareness about sexual violence. Self-defense manuals and classes, as well as Take Back the Night marches and rallies, rapidly spread across the country. The 1970s and 1980s saw a surge in public campaigns targeted at women in urban areas, warning of the dangers of appearing in public spaces alone. The New York City rape squad declared that "[s]ingle women should avoid being alone in any part of the city, at any time."[20] In *The Rational Woman's Guide to Self-Defense* (1975), women were told, "a little paranoia is really good for every woman."[21]

At the same time that the state was asserting itself as the protector of (white) women, the U.S. saw the massive expansion of prisons and the criminalization of blackness. It could be argued that the state and the media opportunistically seized on the energy of the feminist movement and appropriated feminist rhetoric to establish the racialized penal state while simultaneously controlling the movement of women (by promoting the idea that public space was inherently threatening to women). In this view, the media frenzy about the safety of women was a backlash that sought to discipline women, reverse the gains made by the feminist movement, and promote the idea that, as Georgina Hickey wrote, "individual women were ultimately responsible for what happened to them in public space."[22] However, in *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*, Kristin Bumiller argues that the feminist movement was actually "a partner in the unforeseen growth of a criminalized society." By insisting on "aggressive sex crime prosecution and activism," feminists assisted in the creation of a tough-on-crime model of policing and punishment.[23]

Regardless of how one assesses the question of feminists' collaboration with the state, the alignment of racialized incarceration and the proliferation of

campaigns warning women about the dangers of the lurking rapist was not a coincidence. If the safety of women had been a genuine concern, the "feminist" campaigns would not have focused on anonymous rapes in public spaces, since statistically it is more common for a woman to be raped by someone she knows. Instead, women's safety provided a convenient pretext for the escalation of the penal state, which was needed to regulate and dispose of certain surplus populations. For Wacquant, this new regime of racialized social control became necessary after the crisis of the urban ghetto (provoked by the massive loss of jobs and resources attending deindustrialization) and the looming threat of black radical movements.[24] The torrent of uprisings that took place in black ghettos between 1963 and 1968, particularly following the murder of Martin Luther King in 1968, were followed by a wave of prison upheavals (including Attica, Soledad, San Quentin, and facilities across Michigan, Tennessee, Oklahoma, Illinois, West Virginia, and Pennsylvania). These upheavals were easier to contain and shield from public view because they were cloaked and muffled by the walls of the penitentiary.

The engineering and management of urban space also demarcates the limits of our political imagination by determining which narratives and experiences are even thinkable. The media construction of urban ghettos and prisons as "alternate universes" marks them as zones of unintelligibility, faraway places removed from the everyday white experience. Native American reservations are another example of "void" zones that white people can only access through the fantasy of media representations. What happens in these zones of abjection and vulnerability does not typically register in the white imaginary. In the instance that an "injustice" does register, it will have to be translated into more comprehensible terms.

When considering the public responses to Oscar Grant and Trayvon Martin, it seems significant that these murders took place in spaces that are accessible to the white imaginary, which allows white people to narrativize the incidents in terms that are familiar to them. Martin was gunned down while visiting family members in a gated neighborhood; Grant was murdered by police officer Johannes Mehserle at the Fruitvale BART Station in Oakland. These spaces are not "alternate universes" or void zones that lie outside middle-class white experience and comprehension. To what extent is the attention these cases have received attributable to the encroachment of violence on

spaces that white people occupy? How does the public respond to cases of racialized violence that occur outside white comfort zones? When describing the spatialization of settler colonies, Frantz Fanon writes about "a zone of non-being, an extraordinary sterile and arid region," where "black is not a man."[25] In the regions where black is not "man," there is no story to be told. Or rather, there are no subjects seen as worthy of having a story of their own.

Translation

When an instance of racist violence takes place on white turf, as in the cases of Trayvon Martin and Oscar Grant, there is still the problem of *translation*. I contend that the politics of innocence renders such violence comprehensible *only if one is capable of seeing oneself in that position*. This framework often requires the grafting of a white narrative (posed as the neutral, universal perspective) onto the incidents that conflict with this narrative. I was dumbfounded when a call for a protest march for Trayvon Martin posted on the Occupy Baltimore website said, "The case of Trayvon Martin—is symbolic of the war on youth in general and the devaluing of young people everywhere." (It seems unlikely that George Zimmerman was thinking, *I gotta shoot that boy because he's young!*) No mention of race or antiblackness could be found in this statement; race had been translated to *youth*, a condition that white people can imaginatively access. At the march, speakers declared that the case of "Trayvon Martin is not a race issue. It's a 99% issue!" As Saidiya Hartman asserts in a conversation with Frank Wilderson, "the other must be assimilated, meaning in this case, utterly displaced and effaced."[26]

In late 2011, riots exploded across London and the U.K. after Mark Duggan, a black man, was murdered by the police. Many leftists and liberals were unable to grapple with the unruly expression of rage among largely poor and unemployed people of color, and they refused to support a passionate outburst they saw as disorderly and delinquent. Even leftists fell into the trap of framing the state and property owners (including small-business owners) as victims while criticizing rioters for being politically incoherent and opportunistic. Slavoj Žižek, for instance, in an article cynically titled "Shoplifters of the World Unite," responded by dismissing the riots as a "meaningless outburst." Well-meaning leftists who felt obligated to affirm the

riots often did so by imposing a narrative of political consciousness and coherence onto the amorphous eruption, sometimes recasting the participants as "the proletariat" or dissatisfied consumers whose acts of theft and looting shed light on capitalist ideology.[27] These leftists were quick to purge and rearticulate the antisocial and delinquent elements of the riots rather than integrate them into their analyses, insisting on figuring the rioter-subject as, to borrow a phrase from Gayatri Chakravorty Spivak, "a sovereign deliberate consciousness."[28]

Following the 1992 L.A. riots,[29] leftist commentators—as a way to highlight the political nature of people's actions—often opted to define the event as a *rebellion* rather than as a *riot*. This attempt to reframe the public discourse is born of "good intentions" (the desire to combat the conservative media's portrayal of the riots as "pure criminality"), but it also reflects the impulse to contain, consolidate, appropriate, and accommodate events that do not fit political models grounded in white, Euro-American traditions. When the mainstream media portrays social disruptions as apolitical, criminal, and devoid of meaning, leftists often respond by describing them as *politically reasoned*. Here, the confluence of political and antisocial tendencies in a riot/rebellion are neither recognized nor embraced. Certainly some who participated in the London riots were armed with sharp analyses of structural violence and explicitly political messages—the rioters were not politically or demographically homogenous. However, sympathetic radicals tend to privilege the voices of those who are educated and politically astute, rather than listening to those who know viscerally that the system has failed them and act without first seeking moral approval. Some leftists and radicals were reluctant to affirm the purely disruptive elements, such as those expressed by a woman from Hackney, London, who said, "We're not all gathering together for a cause, we're running down Foot Locker"[30]—or the politically "unreasonable" excitement of two girls stopped by the BBC while drinking looted wine. When asked what they were doing, they spoke of the giddy "madness" of it all, the "good fun" they were having, and said that they were showing the police and the rich that "we can do what we want."[31] Translating riots into morally palatable terms is another manifestation of the appeal to innocence—rioters, looters, criminals, thieves, and disrupters are not proper victims and, hence,

not legitimate political actors. Morally ennobled victimization has become the necessary precondition for determining which grievances we are willing to acknowledge and authorize.

With that said, my reluctance to jam black rage into a white framework is not an assertion of the political viability of a pure politics of refusal. White anarchists, ultraleftists, post-Marxists, and insurrectionists who adhere to and fetishize the position of being "for nothing and against everything" are also eager to appropriate events like the 2011 London riots for their own (non)agendas. They insist on an analysis focused on the crisis of capitalism, which downplays antiblackness and ignores forms of gratuitous violence that cannot be attributed solely to economic forces. Like contemporary liberal discourses, post-left and antisocial interpretive frameworks generate political narratives structured by white assumptions, which delimit which questions are posed and which categories are the most analytically useful. For instance, the French ultraleftist group Tiqqun explores the ways in which subjects are enmeshed in power through their identities but tend to focus on forms of power that operate by *an investment in life* (sometimes called "biopolitics") rather than, as Achille Mbembe writes, "the power and the capacity to decide who may live and who must die" (sometimes called "necropolitics").[32] This framework is decidedly white, for it asserts that power is *not* enacted by direct relations of force or violence, and that capitalism reproduces itself by inducing us to produce ourselves, express our identities through consumer choices, and base our politics on the affirmation of our marginalized identities. The black feminist scholar Joy James rejects this productive, life-affirming conceptualization of power. Responding to Foucault's claim that the "carceral network does not cast the unassimilable into a confused hell; there is no outside …[i]t saves everything, including what it punishes,"[33] James writes:

> The U.S. carceral network kills, however, and in its prisons, it kills more blacks than any other ethnic group. American prisons constitute an "outside" in U.S. political life. […] Foucault remains mute about the incarcerated person's vulnerability to police beatings, rape, shock treatments, and death row. Penal incarceration and executions are the state's procedures for discarding the unassimilable in an external inferno of nonexistence. Not everything, not everyone, is saved.[34]

As James asserts, frameworks that view power as purely generative and dispersed completely eclipse the realities of policing, the militarization of the

carceral system, the terrorization of people of color, and the institutional violence of the welfare state, of the penal state, and of black and brown social death. While prisons certainly "produce" race, a generative configuration of power that minimizes direct relations of force can only be theorized from a white subject-position.

Among ultraleft tendencies, communization theory notably looks beyond the wage relation in its attempt to grasp the dynamics of late capitalism. Writing about the group Théorie Communiste (TC), Maya Andrea Gonzalez notes that "TC focus on the *reproduction of the capital-labor relation*, rather than on *the production of value.* This change of focus allows them to bring within their purview the set of relations that actually construct capitalist social life—beyond the walls of the factory or office."[35] However, while this reframing may shed light on relations that constitute *social life* outside the workplace, it does not shed light on social death, for relations defined by social death are not reducible to the capital-labor relation.

Rather than reduce race to class, the Afro-pessimist thinker Frank Wilderson draws our attention to the difference between being exploited under capitalism (as worker) and being marked as disposable or superfluous to capitalism (as slave, as prisoner). He writes, "The absence of black subjectivity from the crux of radical discourse is symptomatic of [an] inability to cope with the possibility that the generative subject of capitalism, the black body of the 15th and 16th centuries, and the generative subject that resolves late capital's over-accumulation crisis, the black (incarcerated) body of the 20th and 21st centuries, do not reify the basic categories that structure conflict within civil society: the categories of work and exploitation."[36] The cultural sociologist Orlando Patterson similarly insists on understanding slavery in terms of social death rather than in terms of labor or exploitation.[37] Forced labor, according to these thinkers, is undoubtedly a part of the slave's experience, but it is not what defines the *slave relation*.[38] Economic exploitation does not explain the phenomenon of racialized incarceration; an analysis of capitalism that fails to address antiblackness—or addresses it only as a by-product of capitalism—is deficient.

Safe Space

The discursive strategy of appealing to safety and innocence is also enacted on a micro level when white radicals manipulate "safe space" language to maintain their power in activist spaces. They do this by silencing the criticisms of people of color under the pretense that their criticisms make them feel "unsafe."[39] This use of safe-space language conflates discomfort and actual imminent danger. The phrase "I don't feel safe" is easily manipulated because it frames the situation in terms of the speaker's *personal feelings*, making it difficult to respond critically (even when the person is, say, being racist) because it will injure their personal sense of security. Conversations often come to a halt when people politicize their feelings of discomfort by using safe-space language. The most striking example of this that comes to mind is a time when a woman from Occupy Baltimore manipulated feminist language to defend the police after an "occupier" called the cops on a homeless man. When the police arrived at the encampment, they were verbally confronted by a group of protesters. During the confrontation, the woman made an effort to de-escalate the situation by inserting herself between the police and the protesters, telling those who were angry about the cops that it was unjustified to exclude the police. In the *Baltimore City Paper* she was quoted as saying, "they were violating, I thought, the cops' space."[40]

The invocation of personal security and safety presses on our affective and emotional registers[41] and can thus be manipulated to justify everything from racial profiling to war. When people use safe-space language to call out people in activist spaces, the one wielding the language is framed as innocent, and may even amplify or politicize their presumed innocence. After the woman from Occupy Baltimore came out as a survivor of violence and said she was traumatized by being yelled at *while defending the cops*, many people became unwilling to take a critical stance on her blatantly pro-cop, classist, and homeless-phobic actions and comments, which included statements like, "There are so many homeless drunks down there—suffering from a nasty disease of addiction—what do I care if they are there or not? I would rather see them in treatment—that is for sure—but where they pass out is irrelevant to me."[42]

Surviving gendered violence does not make the survivor incapable of perpetuating other forms of violence. Likewise, people can also mobilize their

experiences with racism, transphobia, or classism to purify themselves. When people identify with their victimization, it is important to critically consider whether they use this gesture as a tactical maneuver to construct themselves as innocent and exert power in a social space. *That does not mean delegitimizing the claims made by survivors*, but rather, rejecting the framework of innocence, examining each situation closely, and remaining cognizant of the multiple power struggles at play in different conflicts.

On the other side of this debate about safety is the radical queer critique of "safe-space" models. In a statement from the Copenhagen Queer Festival titled "No Safer Spaces This Year," festival organizers explained their decision to remove the safer-space guidelines of the festival, offering in their place an appeal to "individual reflection and responsibility."[43] I see this rejection of collective forms of organizing—and the unwillingness to think beyond the individual as the foundational political unit—as part of a historical shift from queer liberation to queer performativity that coincides with the advent of neoliberalism and the "Care of the Self"–style "politics" of choice.[44] By reacting against the failure of safe space with a suspicion of articulated/explicit politics and all forms of collectivity, those who are dismissive of attempts to offset power imbalances in a space ultimately flatten these issues and miss an opportunity to ask critical questions about the distribution of power, vulnerability, and violence, questions about how and why certain people co-opt language and infrastructure that is meant to respond to internally oppressive dynamics.

On the other hand, as a Fanonian, I agree that removing all elements of risk and danger reinforces a politics of reformism that often reproduces the existing social order. Militancy is undermined by the politics of safety. When people habitually block any actions that involve risk on the grounds that it makes them feel unsafe, it becomes impossible to develop a revolutionary political program. People of color who use privilege theory to argue that white people have the privilege to engage in risky actions, while people of color—because they are the most vulnerable (most likely to be targeted by the police, not having the resources to get out of jail, etc.)—make a correct assessment of the power differentials between white and nonwhite political actors, but ultimately erase people of color from the history of militant struggle by falsely associating militancy with whiteness and privilege. When an analysis of

privilege is turned into a political program that asserts that the most vulnerable should not take risks, the only politically correct politics becomes a politics of reformism and retreat, a politics that necessarily capitulates to the status quo while erasing the legacy of Black Power groups such as the Black Panthers and the Black Liberation Army.[45] For Fanon, it is precisely the element of risk that makes militant action more urgent: liberation can be won only by risking one's life. Militancy is not just tactically necessary; its dual objective is to transform people and "fundamentally alter" their being by emboldening them, removing their passivity, and cleansing them of "the core of despair" crystallized in their bodies.[46]

The politics of safety prioritizes personal comfort, which in turn inhibits action in consensus-based groups or spaces. For instance, when people at Occupy Baltimore confronted sexual assaulters, I witnessed a general assembly (GA) become so bogged down by consensus procedure that the only decision made about the assaulters in the space was to stage a ten-minute presentation about safer spaces at the next GA. No one in the group wanted to ban the assaulters from Occupy. (As Stokely Carmichael said, "The liberal is afraid to alienate anyone, and therefore he is incapable of presenting any clear alternative.")[47] Prioritizing personal comfort can bring the energy and momentum of bodies in motion to a standstill. The politics of innocence and the politics of safety and comfort are related in that both strategies reinforce passivity. Comfort and innocence produce each other when people base their demand for comfort on the innocence of their location or subject position. Perhaps it goes without saying there is no innately ethical subject position. Even though I am a queer woman of color, my existence as a person living in the United States is built on violence. As a non-incarcerated person, my "freedom" is understood only through the captivity of people like my brother, who is serving a forty-year prison sentence. When considering safety, we sometimes fail to ask critical questions about the co-constitutive relationship between safety and violence. We need to consider the extent to which racial violence is the unspoken and necessary underside of security, particularly white security. Safety requires the removal and containment of people deemed to be threats. White civil society has a psychic investment in the erasure and abjection of bodies onto which they project hostile feelings, allowing them peace of mind amidst the state of perpetual violence.

The precarious founding of the United States required the disappearance of Native American people, which was justified by associating the Native body with filth. Andrea Smith writes, "This 'absence' is effected through the metaphorical transformation of native bodies into pollution of which the colonial body must constantly purify itself."[48] The violent foundation of U.S. freedom and white safety often goes unnoticed by those who live in relative safety because their lives are mediated in ways that have rendered that violence invisible or, when visible, may be considered legitimate and fail to register as violence (such as the violence carried out by police and prisons). The connections between our lives and the generalized atmosphere of violence is submerged in a complex web of institutions, structures, and economic relations that legalize, normalize, legitimize, and—above all—are constituted by this repetition of violence.

Abjection and Sexual Violence

When innocence is used to select the proper subjects of empathetic identification, it also regulates the ability of people to respond to other forms of violence such as rape and sexual assault. When a woman is raped, her sexual past is inevitably used against her, and chastity is used to gauge the validity of a woman's claim. "Promiscuous" women, sex workers, women of color, women experiencing homelessness, and people addicted to drugs are not seen as legitimate victims of rape—their moral character is always called into question (they are always-already *asking for it*). In Southern California during the 1980s and 1990s, police officers would close all reports of rape and violence made by sex workers, gang members, and addicts by placing them in a file stamped "NHI": *No Human Involved*.[49] This police practice draws attention to the way that rapeability is also simultaneously *un*rapeability in that *the rape of someone who is not considered human does not register as rape*. Only those considered "human" can be raped. Rape is often conventionally defined[50] as "sexual intercourse" without "consent," and consent requires the participation of subjects in possession of full personhood. *Those considered not-human cannot give consent*. Which is to say, there is no recognized subject position from which they can state their desires.[51] This is not to say that bodies constructed as rapeable cannot *express* consent or refuse to engage in sexual activity—but

that their demands will be unintelligible because they are made from a position outside of proper white femininity.

Women of color are seen as sexually uninhibited by nature and thus unable to access the sexual *purity* at the core of white femininity. As Smith writes in *Conquest: Sexual Violence and American Indian Genocide*, Native American women are more likely to be raped than any other group of women, yet the media and courts consistently tend to pay attention only to rapes that involve the rape of a white woman by a person of color.[52] Undocumented immigrant women are vulnerable to sexual violence—not only because they cannot leave or report abusive partners owing to the risk of deportation, but also because police and border patrol officers routinely manipulate their position of power over undocumented women by raping and assaulting them, using the threat of deportation to get them to submit and remain silent. Black women are also systematically ignored by the media and the criminal justice system. According to the civil rights lawyer and advocate Kimberlé Crenshaw, "Black women are less likely to report their rapes, less likely to have their cases come to trial, less likely to have their trials result in convictions, and, most disturbingly, less likely to seek counseling and other support services."[53] Black women are less likely to report their rapes because seeking assistance from the police often backfires: poor women of color who call the police during domestic disputes risk losing custody of their children, arrest, or sexual assault by police officers. Given that the infrastructure that exists to support survivors (counseling, shelters, and so forth) often caters to white women and neglects to reach out to poor communities of color, it's no surprise that women of color are less likely to make use of survivor resources. However—when noting the widespread neglect of the most vulnerable populations by police, the legal system, and social institutions—it is important to be critical of the assumption that the primary problem is "neglect," for this assumption implies that these apparatuses are neutral, that their role is to protect oppressed people, and that they are merely doing a bad job. On the contrary, their purpose is to maintain the social order and protect the interests of propertied white people. If these institutions are violent themselves, then expanding their jurisdiction will not help those who want to end the white supremacist order, especially while racism and patriarchy endures.

Ultimately, our appeals to innocence demarcate who is killable and rapeable, even if we are strategically using such appeals to protest violence committed against one of our comrades. When we challenge sexual violence with appeals to innocence, we set a trap for ourselves by reinforcing the assumption that white cis women's bodies are the only ones that cannot be violated, because only white femininity is sanctified.[54] As Kimberlé Crenshaw writes, "The early emphasis in rape law on the property-like aspect of women's chastity resulted in less solicitude for rape victims whose chastity had been in some way devalued."[55] Once she "gives away" her chastity, she no longer "owns" it, and thus it cannot be "stolen." However, the association of women of color with sexual deviance bars them from possessing this "valued" chastity.[56]

Against Innocence

The insistence on innocence results in a refusal to hear those labeled guilty or defined by the state as "criminals." When we rely on appeals to innocence, we foreclose a form of resistance that is outside the limits of law and instead ally ourselves with the state. This ignores that the "enemies" in the War on Drugs and the War on Terror are racially defined, and that gender and class delimit who is worthy of legal recognition. When the Occupy movement was in full swing, I read countless articles and encountered participants who were eager to police the politics and tactics of those who did not fit into a nonviolent model of resistance. The tendency was to construct a politics from the position of the disenfranchised white middle-class and to remove, deny, and differentiate the Occupy movement from the "delinquent" or radical elements by condemning property destruction, confrontations with cops, and—in cases like Baltimore—anticapitalist and anarchist analyses. When Amy Goodman asked Maria Lewis from Occupy Oakland about the "violent" protestors after more than four hundred arrests made during an attempt to occupy the vacant Henry J. Kaiser Convention Center in Oakland, I was pleased that Lewis affirmed rather than excised people's anger:

> AMY GOODMAN: Maria Lewis, what about some of the reports that said that the protesters were violent?

> MARIA LEWIS: Absolutely. There was a lot of anger this weekend, and I think that the anger the protesters showed in the streets this weekend and the fighting back that did take place was reflective of a larger anger in Oakland that is boiling over at the betrayal of the system. I think that people, day by day, are realizing, as the economy gets worse and worse, as unemployment gets worse and worse, as homelessness gets worse and worse, that the economic system, that capitalism in Oakland, is failing us. And people are really angry about that, and they're beginning to fight back. And I think that's a really inspiring thing.[57]

Although the comment still frames the issue in terms of capitalist crisis, the response skillfully rearticulates the terms of the discussion by a) affirming the actions immediately, b) refusing to purify the movement by integrating rather than excluding the "violent"[58] elements, c) legitimizing the anger and desires of the protestors, and d) shifting the attention to the structural nature of the problem rather than making moral judgments about individual actors. In other words, it rejects a politics of innocence that reproduces the "good," compliant citizen. Stokely Carmichael put it well when he said, "The way the oppressor tries to stop the oppressed from using violence as a means to attain liberation is to raise ethical or moral questions about violence. I want to state emphatically here that violence in any society is neither moral nor is it ethical. It is neither right, nor is it wrong. It is just simply a question of who has the power to legalize violence."[59]

The practice of isolating morally agreeable cases in order to highlight racist violence requires passively suffered black death and panders to a framework that strengthens and conceals current paradigms of racism. Although it may be factually true to state that Trayvon Martin was unarmed, we should not state this with a righteous sense of satisfaction. What *if* Martin were armed? What if he was able to defend himself? Had the situation resulted in the death of George Zimmerman rather than of Martin, it is unlikely that the public would have been as outraged and galvanized into action to the same extent.

Prior to Zimmerman's acquittal, many people on the left had faith that there would be "justice for Trayvon," as though prison time for Zimmerman could somehow compensate for Martin's death. When we build politics around standards of legitimate victimhood that require passive sacrifice, we will build a politics that requires a dead black boy to make its point. It's not surprising that the nation or even the black leadership have failed to rally behind CeCe McDonald, a black trans woman who was convicted of second-degree manslaughter after a group of racist, transphobic white people attacked her

and her friends, cutting McDonald's cheek with a glass bottle and provoking an altercation that led to the death of a white man who had a swastika tattoo. Trans women of color who are involved in confrontations that result in the death of their attackers are criminalized for their survival. When Akira Jackson, a black trans woman, stabbed and killed her boyfriend after he beat her with a baseball bat, she was given a four-year sentence for manslaughter.

Cases that involve an "innocent" (passive), victimized black person also provide an opportunity for the liberal white conscience to purify and morally ennoble itself by taking a position against racism. We need to challenge the use of certain raced and gendered subjects as instruments of emotional relief for white civil society, or as bodies that can be displaced for the sake of providing analogies to amplify white suffering ("slavery" being the favored analogy). Although we must emphasize that Troy Davis did not kill police officer Mark MacPhail, maybe we also should question why the public is morally outraged by the killing of a cop and not the 136 unarmed black Americans murdered by police officers, security guards, and self-appointed vigilantes in 2012 alone. Talking about these murders will not undo them. Having the "right line" cannot alter reality if we do not put our bodies where our mouths are. As Spivak says, "it can't become our goal to keep watching our language."[60] Rejecting the politics of innocence is not about assuming a certain theoretical posture or adopting a certain perspective—it is a lived position.

7

The Prison Abolitionist Imagination: A Conversation

[An outstretched hand offers you a wisp of hair]
and yet, I cannot give you what outruns us both:
this text
which you will lose, as all are lost

This I know: what I cannot lay claim to
[the joy of a power
that rises and returns,
which no one owns,
because it cannot be appropriated][1]

I will these words be with you
as a connective tissue
conjoining [us]:
unassailable creatures
endlessly in process
searching for the tiny miracle
of encountering each other here …

*

The late Mark Fisher once famously said that it's easier to imagine the end of the world than it is to imagine the end of capitalism. The same could be said about prisons: it is easier to imagine the end of the world than it is to imagine a world without prisons. And yet the modern prison as it currently exists in the United States is a fairly recent invention. Although penological debates about competing systems of punishment and rehabilitation raged in the North in the early nineteenth century, by the end of the Civil War, physical penitentiaries were uncommon in some frontier states. Florida—which now has one of the largest prison systems in the U.S.—had no *physical* penitentiaries at the end of the Civil War and had to create its penal system from scratch.

Yet at this historical juncture prisons have become thoroughly naturalized. Imagining and working toward a world without prisons—which is the project of prison abolition—would not only require us to fundamentally rethink the role of the state in society, but it would also require us to work toward the total transformation of all social relations. A project as lofty and ambitious as this is easy to dismiss as unrealistic, utopian, impractical, naive—*an unrealizable dream*. But what if—instead of reacting to these charges with counterarguments that persuasively demonstrate that the abolitionist position is the only sensible position—we instead strategically use these charges themselves as a point of departure to show how the prison itself is a problem for thought that can only be unthought using *a mode of thinking that does not capitulate to the realism of the Present?* Can the re-enchantment of the world be an instrument that we use to shatter the realism of the prison?

What follows is a series of questions—conversations with revolutionaries, dead and alive, on death, dreams, the struggle, and the phenomenological experience of freedom.

There are moments I want to enter. Will you follow me there, to the place where the breathing walls quietly exhale a low freedom song?

*

Inside a dark cell, the revolutionary Rosa Luxemburg retreats into her mind. Outside, World War I is raging. "We're in a tomb." Outside, people are creating memories. Inside, she relives old ones. While everyone sleeps, she incubates a secret—journeys to the place where the mystery is audible. As a guard stands watch over the night, she sees beyond the walls into a flowering meadow she once knew, or only knew, in a dream. From where does this small song emanate? If only …

If only we knew how to listen properly,
and to brandish our incandescence
to the lie that is a lock.

A DOZEN ROSES VS. THE POLICE STATE

> *In the hours after [Mike] Brown's body was finally moved, residents erected a makeshift memorial of teddy bears and memorabilia on the spot where police had left his body. When the police arrived with a canine unit, one officer let a dog urinate on the memorial. Later, when Brown's mother, Lesley McSpadden, laid out rose petals in the form of his initials, a police cruiser whizzed by, crushing the*

> *memorial and scattering the flowers. The next evening, McSpadden and other friends and family went back to the memorial site and laid down a dozen roses. Again, a police cruiser came through and destroyed the flowers. Later that night, the uprising began.*
>
> —Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation*[2]

I think about how the people gathered after Mike Brown was killed—how they made a makeshift memorial on the bloodstained spot in the road where he had been murdered by the police state. What do I see in this encounter? The will of the people butting up against the police's desire to destroy—to crush all public expressions of grief. The police's show of force is unnecessary, compensatory. They want us to believe that police cars will always crush rose petals. They tell themselves that their uniform and the power that backs it makes them invulnerable—not like the rose petals arranged in the shape of MB. They tried to erase the name "Mike Brown," but it will forever be seared into the minds of the people of Ferguson. Erase the memorials, erase the flowers—the people will still rise up.

That night, an uprising bloomed out of the ground where the memorial flowers had been crushed.

*

I once read an article about the dreams of dying people. There was a former cop who couldn't stop having nightmares about the people he had violated. He told a hospice nurse that on the job he had "done bad stuff." Tormented by his dreams, he gets "stabbed, shot, or can't breathe."[3]

Eric Garner's last "I can't breathe" circles in time to haunt the officers who take the air out of the world. The cop died with so much regret.

The conscious mind of the police officer may be sure of its correctness,
but the unconscious mind knows it has done terrible things.
The trampling of the memorial flowers is an act of repression.
But whatever you try to blot out and refuse to integrate
returns with greater vigor.
If I ever met the officers, I would tell them:
Before you die you will encounter
the lives you took and violated.
You, driving around in your
steel-enclosed fantasy of invincibility.
You who must desecrate memorials
to prove to yourself you are strong—
to hide this weakness of imagination:

a police cruiser scattering rose petals.

What was it you tried to crush there—
was it a way to blot out awareness
of your own death?

And yet every time you tried to destroy the memorial
the people returned, with objects that bore
the memory of Mike Brown.
You tried to force the people of Ferguson to forget.
The people returned
with a will to carry
the memory into the streets.

*

Yesterday I saw a tweet that said: *Remember: We lost in Ferguson. We lost in Standing Rock.*

Over and over again, the ecstatic moment of revolt was met with repression even greater than what we had anticipated.

The fissure was not a place where we could live. We could not hold on to the new social forms we invented in the process of revolt. The establishment leaders were sent to neutralize the protesters. We were told to go home. We failed to make the revolution our permanent home.

But the spark is kept alive,
underground, waiting for the right conditions.

The specter of Attica
The specter of Wounded Knee
The specter of Ferguson
The specter of Harpers Ferry
The specter of Haiti

THE PRISON IS OUR SHADOW

> *Neither a prisoner nor a free man, because prison is density. No one has spent a night in it without spending the whole night rubbing the muscles of freedom, sore from loitering so frequently on sidewalks, exposed, naked, and hungry. Here you are embracing it from every side, free and liberated from the burden of proof. How small it is, how simple, and so swift to respond to the agility of a mirage. It is in you, within reach of the hand with which you knock at the walls of the cell. It is in you, borrowing the bird's example, in the falling of rain, the blowing of winds, the laughter of light*

upon a forgotten rock, in the pride of a beggar who reprimands his benefactors when they are stingy, in an unequal dialogue with your jailer when you say to him:

You, not I, are the loser. He who lives on depriving others of light drowns in the darkness of his own shadow. You will never be free of me unless my freedom is generous to a fault. Then it would teach you peace and guide you home. You, not I, are afraid of what the cell is doing to me. You who guard my sleep, dream, and a delirium mined with signs. I have the vision and you have the tower, the heavy key chain, and a gun trained on a ghost. I have sleepiness, with its silky touch and essence. You have to stay up watching over me lest sleepiness take the weapon from your hand before your eye can see it. Dreaming is my profession while yours is pointless eavesdropping on an unfriendly conversation between my freedom and me.

—Mahmoud Darwish, *In the Presence of Absence*[4]

Although the guard may gloat
his psyche is harassed
by the glut of ghosts
who bark and moan
beneath the light of the moon.

The poet-prisoner haunts the guard, who becomes a prisoner of his paranoia. The profession of the poet is dreaming. The profession of the jailer is to contain. The poet is the one who makes the light. The guard is the one who takes it. *He who lives on depriving others of light drowns in the darkness of his own shadow*. Will the ones who built the nightmare also drown in it?

The prisoner knows the true meaning of freedom while the guard knows only how to police this freedom.

What does the jailer give up when he becomes an instrument of the state?

Does the jailer remember what it means to love, to grieve, to rub the muscles of freedom or borrow the bird's example?

They cannot annihilate what we carry in our hearts and minds: This vision of an elsewhere, or the memory of a bird. How many poets and revolutionaries discovered freedom in a cell?

ENTOMBED FLOWERS

Yesterday I lay awake for a long time—these days I can't fall asleep before 1 a.m., but I have to go to bed at 10, because the light goes out then, and then I dream to myself about various things in the dark. Last night this is what I was thinking: how odd it is that I'm constantly in a joyful state of

exaltation—without any particular reason. For example, I'm lying here in a dark cell on a stone-hard mattress, the usual silence of a church cemetery prevails in the prison building, it seems as though we're in a tomb; on the ceiling can be seen reflections coming through the window from the lanterns that burn all night in front of the prison. From time to time one hears, but only in quite a muffled way, the distant rumbling of a train passing by or quite nearby under the windows the whispering of the guards on duty at night, who take a few steps slowly in their heavy boots to relieve their stiff legs. The sand crunches so hopelessly under their heels that the entire hopeless wasteland of existence can be heard in this damp, dark night. I lie there quietly, alone, wrapped in these many-layered black veils of darkness, boredom, lack of freedom, and winter—and at the same time my heart is racing with an incomprehensible, unfamiliar inner joy as though I were walking across a flowering meadow in radiant sunshine. And in the dark I smile at life, as if I knew some sort of magical secret that gives the lie to everything evil and sad and changes it into pure light and happiness. And all the while I'm searching within myself for some reason for this joy, I find nothing and must smile to myself again—and laugh at myself. I believe that the secret is nothing other than life itself; the deep darkness of night is so beautiful and as soft as velvet, if one only looks at it the right way; and in the crunching of the damp sand beneath the slow, heavy steps of the sentries a beautiful small song of life is being sung—if one only knows how to listen properly. At such moments I think of you and I would like so much to pass on this magical key to you, so that always and in all situations you would be aware of the beautiful and the joyful, so that you too would live in a joyful euphoria as though you were walking across a multi-colored meadow. I am certainly not thinking of foisting off on you some sort of asceticism or made-up joys. I don't begrudge you all the real joys of the senses that you might wish for yourself. In addition, I would only like to pass on to you my inexhaustible inner cheerfulness, so that I could be at peace about you and not worry, so that you could go through life wearing a cloak covered with stars, which would protect you against everything petty and trivial and everything that might cause alarm.

—Rosa Luxemburg (To Sophie Liebknecht, Breslau, before December 24, 1917)[5]

In the dark of the night you traveled to a colorful meadow, and with your powerful imagination wove that meadow into a cloak of stars that you imparted to your comrade Sophie—to wear as a shield against everything terrible. What bloomed in your mind that night as you lay quietly listening to the boots of the sentries crunch the sand? You were sharpening your perceptive faculties so you could tune in to the exalted frequency. You were sensitized by your cell, by the boredom weighing you down, until the pressure of the darkness gave way to an understanding of the deepest mysteries of what it means to be alive—of the connection between desire and politics.

I think of your fate, of George Jackson's fate, of Fred Hampton's fate—the state must know when the universe gives birth to a true revolutionary—it must see in them a light it must extinguish, lest their spark find and set alight the divine spark in us all, which would spread until the world as we know it has been upended.

Alone in your cell, your body became pure nerve. You were perceiving everything. It made you giddy, the inner joy you felt against the bleak backdrop of the Breslau prison.

I imagine how you passed the time there—studying political economy and botany, writing letters to your comrades, assembling your herbaria, preparing for the revolution, getting lost in the flowers of your imagination.

You were the secret. You were the principle of life itself. You were a tree they had to cut down.

to unspeakable wonder
to freedom that blooms on stumps
—Édouard Glissant[6]

THE STARS SEEN FROM PRISON

In September 1971 the prisoners of Attica rose up, took the prison, and carved out a small space of freedom: a temporary liberated zone from which they could observe the stars.

> *Despite the sense of foreboding, there were moments of levity and, for some, even a feeling of unexpected joy as men who hadn't felt the fresh air of night for years reveled in this strange freedom. Out in the dark, music could be heard—"drums, a guitar, vibes, flute, sax, [that] the brothers were playing." This was the lightest many of the men had felt since being processed into the maximum security facility. That night was in fact a deeply emotional time for all of them. Richard Clark watched in amazement as men embraced each other, and he saw one man break down into tears because it had been so long since he had been "allowed to get close to someone." Carlos Roche watched as tears of elation ran down the withered face of his friend "Owl," an old man who had been locked up for decades. "You know," Owl said in wonderment, "I haven't seen the stars in twenty-two years." As Clark later described this first night of the rebellion, while there was much trepidation about what might occur next, the men in D Yard also felt wonderful, because "no matter what happened later on, they couldn't take this night away from us."*
> —Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*[7]

In the cracks of the prison, something bloomed. A field of wildflowers imposed on a night sky. Blood was coming. Joy and dread mingled there, infusing the air with a powerful sense of rapture and uncertainty.

What exalted frequency was discovered that night, then lost, when Governor Nelson Rockefeller ordered the police to put down the uprising?

Blood was coming. The new world never arrived. How terrible it must have been for W. E. B. Du Bois to realize he had mistaken *dusk* for *dawn*, that darkness would follow and not the radiance of a new day—his people's strivings rendered crepuscular. The dream of liberation collapsed in a heap of bloodstained rubble.

Blood was coming. The drumming would not last. The prisoners would be punished for daring to glimpse the stars.

Will those who have constructed this Hell ever wonder—*What was it all for?* The subordination of all life to these systems that hem us in. *Why cover the sky?*

*

The Atacama Desert in Chile is so dry that dead bodies are preserved for posterity, and traces of ancient human communities remain unscathed, as though immortalized in amber. Because of its high elevation and lack of moisture, the skies above the Atacama Desert are completely clear, allowing for an unobstructed view of the stars. Over the years, scientists and astronomers have converged on this region to build powerful telescopes to observe the cosmos.

Years after Attica, on another continent, political prisoners banished to the Atacama Desert by the U.S.-sponsored dictator Augusto Pinochet were observing the same stars from the confines of a prison camp.

Patricio Guzmán [documentary director]:
What did you feel watching
the stars whilst in prison?

Luís Henríquez [Chacabuco concentration camp survivor]:
We all had a feeling …
… of great freedom.
Observing the sky and the stars,
marveling at the constellations,
… we felt completely free.

The military banned
the astronomy lessons.
They were convinced that
the prisoners could escape …
… guided by the constellations.

Guzmán:
Luis's dignity lies in his memory.

He wasn't able to escape,
but, by communicating
with the stars,
he managed to preserve
his inner freedom.

—*Nostalgia for the Light*, 2010[8]

I return to the stars—
to the question of why people feel free when looking up at the stars.
Is it because, when we are communing with the stars, we become
part of the Whole?
The whole of Life—
we feel ourselves as recycled matter and energy
congealed in a temporary form
a form that will not hold
that will one day fall apart.

What did they feel when they looked up at the night sky?
Did the vastness produce a feeling of freedom?
Did they remember—*there is a world beyond the walls of this prison.*
Were they transported to their childhoods, to the mystery,
to the first time they contemplated their place in the Whole?

In his autobiography *Dusk of Dawn*, Du Bois wrote about race as a prison—one that could only be abolished through a material and spiritual revolution. Anticipating the arc of my book, he wrote that the immediate problem of his people was "the question of securing existence, of labor and income, of food and home, of spiritual independence and democratic control of the industrial process" but that it would not do to "concenter all effort on economic well-being"—that his people "must live and eat and strive, and still hold unfaltering commerce with the stars."[9]

THE DEATH THAT IS NOT DEATH, BUT THE BIRTH OF EVERYTHING POSSIBLE

What is prison? It is immobility. "Free man, you will always cherish the sea!" (Baudelaire). It is becoming more and more obvious that mobility is one of the signs of our times. To restrict a man for eleven years to surveying the same four or five square meters—which in the end become several thousand meters within the same four walls opened up by the imagination—would justify a young man if he wanted to go … where, for example? To China perhaps, and perhaps on foot. Jackson was this man and this imagination, and the space he traversed was quite real, a space from which he brought back observations and conclusions that strike a death blow to white America (by "America" I mean Europe too, and the world that strips all the rest, reduces it to the status of a disrespected labor force—yesterday's colonies, today's neocolonies). Jackson said this. He said it several thousand times

and throughout the entire world. It still remained for him to say truths unbearable for our consciences. The better to silence him, the California police …. But what am I saying? Jackson's book goes far beyond the reach of this police.

—Jean Genet on George Jackson[10]

I can only be executed once.

—George Jackson, Blood in My Eye[11]

Language has no body.
The message is a virus.
The message cannot be killed.

A REMIX OF A STATEMENT BY HUEY P. NEWTON, SERVANT OF THE PEOPLE, BLACK PANTHER PARTY AT THE REVOLUTIONARY MEMORIAL SERVICE FOR GEORGE JACKSON:

A revolutionary example cannot be killed
The soldier and his spirit a living thing
His spirit says, George's body goes
Although fallen
See
His ideas live
In young bodies
Our children are saying
It's true
There will be revolution
And on he will go to the next legacy
We believe George's immortality
As generation upon generation advance
We know the people
We believe the people
Into immortality we win
Go on
No matter how still
How wrongly done
The love no matter how wrongly
This is pain giving up
No pain in giving up
And why he felt his life
For his people
Violence sorts spurs and contracts
Every alive state costs someone the death course
If it could give itself the semblance of executioners
—We don't
We don't have the kind of violence the police have

We deliver to them the struggle of everything possible
The audacity to accept the right to do everything
To preserve George
I see George growing in our suffering
In thirty seconds there will be pain
The prison order killing our stories won't make our
suffering die
We say there will be pain
But in all of us a strength growing
For us
An incredible will living in the pain we know
I see two kinds of death
One death is not death
The other is death
George died in a way not-death
For in all of us there is George
In our suffering there is George
I see us die the not-death
The day George fell is not his death
The future will now know the way we will die
Revolutionary death
The way his mind determined the people's name
To change them wholly or else be a feather
We'll name people THE PEOPLE
We'll support the name
In the name of the people, ALL POWER
TO THE PEOPLE ALL POWER

IMAGINATIONS HELD CAPTIVE

> *First of all, I would say that prison is an accurate name for our contemporary culture, and prison as culture presumes a certain set of problems and reinforces a dominant reaction in our imaginations. Sylvia Wynter talks about reservation—which is also an accurate name for our contemporary culture —meaning that at the same moment indigenous people are confined to reservations by the state, our imaginations are also confined. All of us. And, I would also say that the moments in which prisons became a dominant feature of the U.S., our imaginations (for all, not just those of us disproportionately imprisoned) also became imprisoned. The way we imagine work, our relationships, the future, family, everything, is locked down.*
>
> —Alexis Pauline Gumbs[12]

Everywhere I look I see sleepwalkers under the spell of the prison.

What counter-spell is powerful enough to break the prison's stranglehold on our imaginations?

But the spell is never total. The intensification of the desire for life undermines the prison's capacity to structure our mental lives.

Imagination is excess, is that which could never be contained by the prison, that which will always exceed it.

What night endeavors must we embrace to enter that hidden frequency—that special vibration, the one Sun Ra believed would set us free.

THE DIALECTIC OF DREAMING

> *The imagination is constitutive … It's not just unworldly, detached from the world spinning off the refusal of things, rather it's constitutive in the sense that the imagination becomes so intense and embedded that it becomes real through its intensification and articulation. That puts theory in the realm of prophecy, but not prophecy in the realm of saying what's going to happen. Instead, it's the fostering of the imagination, the encouraging of that power to recognize that life can be, and in some ways already is, different.*
>
> —Michael Hardt[13]

> *Dreams and reality are opposites. Action synthesizes them.*
>
> —Assata Shakur[14]

Before Assata Shakur was liberated from prison, her grandmother and family came to visit her, bearing a dream: "You're coming home soon," her grandmother said. "I don't know when it will be, but you're coming home. You're getting out of here. It won't be too long, though." She went on: "I dreamed we were in our old house in Jamaica … i was dressing you … putting your clothes on." Assata's grandmother was known for her prophetic dreams—they came when they were needed, but it was ultimately the responsibility of the recipients of the visions to make them real, not only by believing in the veracity of the prophecies, but by acting so as to give them flesh.

When Assata returned to her prison cell, she could not help but dance and sing. She writes, "No amount of scientific, rational thinking could diminish the high that i felt. A tingly, giddy excitement had caught hold of me. I had gotten drunk on my family's arrogant, carefree optimism. I literally danced in my cell, singing, 'Feet, don't fail me now.' I sang the 'feet' part real low, so i guess the guards must have thought i was bugging out, stomping around my cage singing 'feet,' 'feet.'"

When we act in accordance with the prophetic dream, the dream comes to directly constitute reality.

THE POLITICS OF DREAMING

> *We are building a reality that we have never seen before. We are asking people to flex their visioning and dreaming skills, something that is not readily supported in our society.*
>
> —Mia Mingus[15]

> *I think there is an inherent danger in conflating militant reform and human rights strategies with the underlying logic of anti-prison radicalism, which conceives of the ultimate eradication of the prison as a site of state violence and social repression. What is required, at least in part, is a new vernacular that enables this kind of political dream. How does prison abolition necessitate new political language, teachings, and organizing strategies?*
>
> —Dylan Rodriguez[16]

Sometimes I don't know what to tell you, or how to end.

For some time I have been thinking about how to convey the message of police and prison abolition to you, but I know that as a poet, it is not my job to win you over with a persuasive argument, but to impart to you a *vibrational experience* that is capable of awakening your desire for another world.

A couple of years ago I saw the Black Arts Movement poet and activist Sonia Sanchez speak. I was moved by the way she paused whenever she experienced vertigo and spontaneously started singing as a way to find her rhythm after nearly passing out.

In a haiku Sonia writes:

> without your
> residential breath
> *i lose my timing.*[17]

Our bodies are not closed loops. We hold each other and keep each other in time by marching, singing, embracing, breathing.

We synchronize our tempos so we can find a rhythm through which the urge to live can be expressed, collectively.

And in this way, we set the world into motion.

In this way, poets become the timekeepers of the revolution.

PLANTING THE DREAM

What shall we build on the ashes of a nightmare?
—Robin D. G. Kelley[18]

I won't propose much more since the design and realization of such a space ought to be the product of a collective imagination shaped and reshaped by the very process of turning rubble and memory into the seeds of a new society.
—Robin D. G. Kelley[19]

I see
I see our shadow in the trees
Watching the wheel unfold

I see our one shadow on the wall
I see your restless hand in the spider's thread
I am the ice cave and there is water,
deep blue and white, a light at the bottom
I am equal to my love for you

Let down your hair, willow
in the moonlight: the river
lulls us into the dream. Nightmares
jostle branches in our eyes. I long
for the world that is before you,
the plate you set on the slate
of tomorrow. Your fingers flutter
to feel for the grass
between the valley,
where one foot follows the other
into the flaming creek.

We don't know what name to give
the throbbing stone
perched atop the hill.

From here, I see for you
Look at what I lost
when you were lost
and I could only hear
the call of the stones

A body, returned
floats down the river
dressed in candles

I send you the secret
while you are asleep
The nights you carried in the length of a strand of hair—
The unforgiving flash of his teeth—
I stroke your cheek to unlock your jaw

and release the rose you carry in your mouth

Your tongue is raw
and your mouth
is filling with blood

Dear
Dear,
Forgive us for having fallen so far
from where you planted the seed:

At the bottom of the sea, waiting
for the body to ride the stream
back to where the rubble
gave birth to the first
dream

The egg cracks, night
wanders seaward
barefoot in her evening
slip

And by this sadness you are shown
the path to the holding sea, a trail
burned by a herd of somnambulant turtles
who folded, one by one, in their grief
until a single remained
to carry the breath of time
back
to the seed.

¶ Instead of prison walls—
Bloom flowery fields.

Notes

Introduction

1. Michael C. Dawson and Megan Ming Francis, "Black Politics and the Neoliberal Racial Order," 27.

2. Daniel Bergstresser and Randolph Cohen, "Changing Patterns in Household Ownership of Municipal Debt: Evidence from the 1989–2013 Surveys of Consumer Finances," (working Paper, Brookings Institute, July 15, 2015), https://www.brookings.eduwpcontent/uploads/2016/07/Bergstresser-Cohen-with-tables.pdf.

3. Paul LaCommare, "Generating New Revenue Streams," *The Police Chief* 77 (2010): 22–30.

4. Ibid.

5. Bernard E. Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order*, 202–3.

6. Baxter Oliphant, "Support for Death Penalty Lowest in More Than Four Decades," *Pew Research Center*, September 29, 2016, https://www.pewresearch.org/fact-tank/2016/09/29/support-for-death-penalty-lowest-in-more-than-four-decades.

7. It is curious that in American law something deemed unconstitutional by the courts can still be legal if it happened before the decision.

8. Alex Lichtenstein, "Flocatex and the Fiscal Limits of Mass Incarceration," 115–16.

9. Ibid., 119.

10. Ibid.

11. "State and Local Expenditures on Corrections and Education," *U.S. Department of Education, Policy and Program Studies Service*, July, 2016, https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf

12. Ashley C. Ford, "My Father Spent 30 Years in Prison. Now He's Out," *Refinery*, May 1, 2017.

13. "America's Prisons Are Failing. Here's How to Make Them Work," *The Economist*, May 27, 2017.

14. Wolfgang Munchau, "Politicians and Investors Adapt to the Age of Radical Uncertainty," *Financial Times*, June 18, 2017.

15. Professor Allan Lichtman, a political historian who teaches at American University, has successfully predicted every presidential election since 1984 using a series of thirteen true or false questions.

16. Julia Angwin and Jeff Larson, "Bias in Criminal Risk Scores Is Mathematically Inevitable, Researchers Say," *ProPublica*, December 30, 2016.

17. Ibid.

18. Ibid.

19. Jacques Rancière, *The Politics of Aesthetics*, 13.

20. Jerry Kaplan, *Humans Need Not Apply*, 118.

21. Huey P. Newton, *The Huey P. Newton Reader*, 166–67.

22. George Jackson, *Blood in My Eye*, 10.

23. Ibid., 62.

24. Ibid., 97.

25. Ibid., 98.

26. Ibid., 100.

27. Ibid.

28. Ibid., 106.

29. Ibid., 99.

30. Ibid., 107.

31. Maurizio Lazzarato, *The Making of the Indebted Man*, 104.

32. Ibid.

33. Kaplan, 13–14.

34. Wolfgang Streeck, *Buying Time*, 19.

35. Cathy O'Neill, *Weapons of Math Destruction*, 8.

36. Ryan Felton, "Michigan Unemployment Agency Made 20,000 False Accusations," *The Guardian*, December 18, 2016.

37. Brandon Terry, "Insurgency and Imagination in an Age of Debt," *Du Bois Review* (forthcoming).

38. Ibid.

39. Ibid.

40. Peter Wagner and Brigette Sarabi, *The Prison Index: Taking the Pulse of the Crime Control Industry*, (Springfield, MA: Prison Policy Initiative, 2003).

41. Lyndon B. Johnson, "Special Message to the Congress on Law Enforcement and the Administration of Justice," (speech, Washington, DC, March 8, 1965). Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=26800.

42. "Low Approval of Trump's Transition but Outlook for His Presidency Improves," *Pew Research Center*, December 8, 2016, https://www.people-press.org/2016/12/08/low-approval-of-trumps-transition-but-outlook-for-this-presidency-improves/.

43. Michael C. Dawson, "Hidden in Plain Sight," 158.

44. Texas General Orders, No.3 (issued June 19, 1865).

45. David Harvey, *The New Imperialism*, 143.

46. W. E. B. Du Bois, *Writings*, 603.

47. Ibid.

48. Ibid., 771.

49. PoliceActivity, "Police Dashcam Footage of Philando Castile Fatal Shooting," video, 9:48.

1. Racialized Accumulation by Dispossession in the Age of Finance Capital

1. Robin D. G. Kelley, "What Did Cedric Robinson Mean by Racial Capitalism?" *Boston Review*, January 12, 2017.

2. Ibid.

3. Ibid.

4. Karl Marx, *Capital, Volume I* (New York: Penguin Books, 1990), 875.

5. Ibid., 876.

6. Rosa Luxemburg, *The Complete Works of Rosa Luxemburg, Volume II*, EPUB e-book, chap. 25.

7. Ibid.

8. Ibid.

9. Ibid., chap. 26.

10. Ibid.

11. David Harvey, *The New Imperialism*, 154.

12. Ibid., 147.

13. Iyko Day, "Being or Nothingness," 114.

14. Ibid., 113.

15. Dawson, "Hidden in Plain Sight," 147–48.

16. Chris Chen, "The Limit Point of Capitalist Equality: Notes Toward an Abolitionist Antiracism," *Endnotes* 3 (2013).

17. Nancy Fraser, "Expropriation and Exploitation in Racialized Capitalism: A Reply to Michael Dawson," *Critical Historical Studies* 3, no. 1 (2016): 163.

18. Ibid.

19. Ibid., 176.

20. Ibid.

21. W. E. B. Du Bois, *The Souls of Black Folk* (Oxford; New York: Oxford University Press, 2007), 116.

22. Ibid., 94.

23. Dawson and Francis, "Black Politics and the Neoliberal Racial Order," 41.

24. "Are Credit Checks a Legitimate Screening Tool?" *Berks & Beyond*, June 7, 2011.

25. Emily Katzenstein, "RA Debt," (working paper, Race and Capitalism, March 2, 2016): 8–9, http://raceandcapitalism.com/wp-content/uploads/2016/12/Katzenstein-Research-02.03.2016-

Debt.pdf.

26. "No More Debtors' Prison: Texas to Offer Community Service to Those Who Can't Pay Fines for Minor Offenses," *Texarkana Gazette*, July 26, 2017.

27. Michael W. Sances and Hye Young You, "Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources," 1090.

28. Dawson and Francis, "Black Politics and the Neoliberal Racial Order," 38.

29. Ibid., 49.

30. Thomas E. Perez, "Assistant Attorney General Thomas E. Perez Speaks at the Wells Fargo Press Conference," (speech, Washington, DC, July 12, 2012), The United States Department of Justice, https://www.justice.gov/opa/speech/assistant-attorney-general-thomas-e-perez-speaks-wells-fargo-press-conference.

31. David Graeber, *Debt: The First 5,000 Years*, 2–3.

32. Jonathan Levy, *Freaks of Fortune*, 5–6.

33. Michael Powell, "Bank Accused of Pushing Mortgage Deals on Blacks," *New York Times*, June 6, 2009.

34. Ibid.

2. Policing as Plunder

1. Mary Williams Walsh, "Puerto Rico's Fiscal Fiasco Is a Harbinger of Mainland Woes," *New York Times*, May 20, 2016.

2. Campbell Robertson, "For Offenders Who Can't Pay, It's a Pint of Blood or Jail Time," *New York Times*, October 19, 2015.

3. Ibid.

4. "Policing and Profit," 1726.

5. Ibid.

6. Thomas B. Edsall, "The Expanding World of Poverty Capitalism," *New York Times*, August 26, 2014.

7. Derwyn Bunton, "When the Public Defender Says, 'I Can't Help,'" *New York Times*, February 19, 2016.

8. Ibid.

9. Ibid.

10. U.S. Department of Justice, Civil Rights Division. *Investigation of the Ferguson Police Department*, 2015, 2, https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

11. Ibid., 10.

12. David Harvey, "Neoliberalism and the City," 8.

13. Ibid.

14. Joshua Freeman, "If You Can Make It Here," *Jacobin*, October 3, 2014, https://www.jacobinmag.com/2014/10/if-you-can-make-it-here.

15. Costas Lapavitsas, *Profiting Without Producing: How Finance Exploits Us All* (New York: Verso, 2013), EPUB e-book.

16. Ibid.

17. Ibid.

18. L. O. Kirkpatrick, "The New Urban Fiscal Crisis: Finance, Democracy, and Municipal Debt," *Politics & Society* 44, no. 1 (2016): 68.

19. Aaron Lucchetti, "Interest-Rate Deals Sting Cities, States," *Wall Street Journal*, March 22, 2010.

20. Ibid.

21. Wallace C. Turbeville, "The Detroit Bankruptcy," *Demos Report 20* (2013): 7, http://www.demos.org/sites/default/files/publications/Detroit_Bankruptcy-demos.pdf.

22. Ibid., 5.

23. Robert Doty, *Bloomberg Visual Guide to Municipal Bonds*, xxi.

24. Karl Marx, *Karl Marx: A Reader* (Cambridge; New York: Cambridge University Press, 1986), 82.

25. Ibid., 137.

26. Karl Marx, *Capital: A Critique of Political Economy, Volume III* (London: Lawrence & Wishart, 1998), 470.

27. Ibid., 462.

28. Ibid., 467.

29. Yvette Shields, "Ferguson, Mo., on Path to Insolvency, Gets Downgrade to Junk," *The Bond Buyer*, September 17, 2015.

30. Although much of this money was rapidly recycled.

31. Steve1960, "The Fiscal Crisis of the States: Towards a Marxist Approach to State Budget Deficits," *DailyKos*, February 24, 2015.

32. Walter Johnson, "The Economics of Ferguson: Emerson Electric, Municipal Fines, Discriminatory Policing," *The Atlantic*, April 26, 2015.

33. Ann R. Markusen, "Class and Urban Social Expenditure," 82.

34. Ibid., 85.

35. Ibid., 91.

36. Ibid., 92.

37. Ibid., 99.

38. Johnson, "Economics of Ferguson."

39. Ibid.

40. Chris Chen, "The Limit Point of Capitalist Equality: Notes Toward an Abolitionist Antiracism," *Endnotes* 3 (2013).

41. Ibid.

42. David Harvey, *Rebel Cities*, 4.

43. Jelani Cobb, "What I Saw in Ferguson," *New Yorker*, August 14, 2014.

44. "Policing and Profit," 1728–29.

45. "Do Black Lives Matter? Robin D. G. Kelley and Fred Moten in Conversation," Vimeo video, 1:25:36, posted by Critical Resistance, 2014, https://vimeo.com/116111740.

3. "Packing Guns Instead of Lunches"

1. John J. DiIulio, Jr., "The Coming of the Super-Predators," *Weekly Standard*, November 27, 1995, 26.

2. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press), 119.

3. Michel Foucault, "*Society Must Be Defended*," 247.

4. Timothy Campbell, "Introduction," in Roberto Esposito, *Bíos: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2008), xiii.

5. Roberto Esposito, *Terms of the Political*, 130.

6. Campbell, "Introduction," viii.

7. Ibid., xvii.

8. Roberto Esposito, *Immunitas*, 8.

9. Ibid.

10. John DiIulio, Jr., "My Black Crime Problem, and Ours," *6 City Journal 19* (1996).

11. DiIulio, "The Coming," 24.

12. Foucault, 245.

13. Ibid.

14. DiIulio, "The Coming," 24.

15. Ibid., 25.

16. Foucault, 243.

17. DiIulio, "The Coming," 25.

18. Ibid.

19. Foucault, 241.

20. Ibid., 254–55.

21. Ibid., 255.

22. Ibid.

23. Ibid.

24. Ibid.

25. DiIulio, "My Black Crime Problem."

26. Ibid.

27. John DiIulio, "Let 'em Rot," *Wall Street Journal*, January 26, 1995, ed. page.

28. Giorgio Agamben, *Means Without End*, 32

29. Ibid., 38.

30. DiIulio, "The Coming," 23–4.

31. Michel Foucault, *Discipline and Punish*, 301.

32. Esposito, *Immunitas*, 8.

33. Ibid.

34. Esposito, *Terms of the Political*, 130.

35. Esposito, *Immunitas*, 32.

36. Ibid.

37. DiIulio, "The Coming," 23.

38. Fagan, et al., "Amici Curiae in Support of Petitioners," *Miller v. Alabama*, 7–9

4. "This Is a Story About Nerds and Cops"

1. Colleen McCue, *Data Mining and Predictive Analysis*, xiii.

2. Mark Andrejevic, *Infoglut*, 28.

3. Darwin Bond-Graham and Ali Winston, "All Tomorrow's Crimes: The Future of Policing Looks a Lot Like Good Branding," *SF Weekly*, October 30, 2013.

4. "Dr. George Mohler: Mathematician and Crime Fighter," *Data-Smart City Solutions*, May 8, 2013.

5. This statistic is based on the NYPD's "Stop Question & Frisk Activity" quarterly reports, which were analyzed by the New York Civil Liberties Union. See "Stop-and-Frisk Data," New York Civil Liberties Union, 2014. http://www.nyclu.org/content/stop-and-frisk-data.

6. "Race, Trust, and Political Legitimacy," National Institute of Justice, July 14, 2016, https://www.nij.gov/topics/law-enforcement/legitimacy/Pages/welcome.aspx.

7. See Joshua Bloom and Waldo E. Martins's comprehensive history of the Black Panther Party, *Black Against Empire: The History and Politics of the Black Panther Party* (Berkeley: University of California Press, 2013).

8. David Weisburd and Peter Neyroud, "Police Science: Toward a New Paradigm," *New Perspectives in Policing* (January 2011), 1.

9. Ibid.

10. "PredPol on Current TV with Santa Cruz Crime Analyst Zach Friend," video, 7:06, March 4, 2013, https://youtu.be/8uKor0nfsdQ.

11. Tiqqun, "The Cybernetic Hypothesis," 21.

12. Andrejevic, 21.

13. Tiqqun, 9.

14. Ibid., 17.

15. Matt Ford, "What Caused the Great Crime Decline in the U.S.?" *The Atlantic*, April 15, 2016.

16. Manuel Abreu, "Incalculable Loss," *The New Inquiry*, August 19, 2014.

17. Ronnie Garrett, "Predict and Serve," *Officer.com*, January 10, 2013.

18. Nick O'Malley, "To Predict and to Serve: The Future of Law Enforcement," *Sidney Morning Herald*, March 31, 2013.

19. Garrett, "Predict and Serve."

20. Ibid.

21. Bond-Graham and Winston.

22. David Cole, "The Difference Prevention Makes," 5.

23. O'Malley.

24. Khalil Gibran Muhammad, *The Condemnation of Blackness*, 5.

25. Ibid., 37.

26. Lauren Helper, "Coders vs. Criminals: PredPol Seeks to Scale Its Crime-Prediction System," *Silicon Valley Business Journal*, December 6, 2013.

27. R. Joshua Scannell, "Broken Windows, Broken Code," *Real Life*, August 29, 2016.

28. Tiqqun, 22.

5. The Cybernetic Cop

1. Tiqqun, "The Cybernetic Hypothesis," *Tiqqun* 2 (2001).

6. Against Innocence: Race, Gender, and the Politics of Safety

1. Saidiya V. Hartman and Frank B. Wilderson, "The Position of the Unthought," 189.

2. "Charges Dropped Against 5 in Juvenile Offender's Death," *CBS Baltimore*, March 29, 2012.

3. However, there was a critical response when the case *initially* broke.

4. This article assumes some knowledge of race-related cases that received substantial media attention in the last several years. For those who are unfamiliar with the cases:

> The Jena Six were six black teenagers convicted for beating a white student at Jena High School in Jena, Louisiana, on December 4, 2006, after mounting racial tensions, including the hanging of a noose on tree. Five of the teens were initially charged with attempted murder.
>
> Troy Davis was a black man who was executed on September 21, 2011, for allegedly murdering police officer Mark MacPhail in Savannah, Georgia, though there was little evidence to support the conviction.
>
> Oscar Grant was a black man who was shot and killed by BART police officer Johannes Mehserle in Oakland, California, on January 1, 2009.

Trayvon Martin was a seventeen-year-old black youth who was murdered by George Zimmerman, a volunteer neighborhood watchman, on February 26, 2012, in Sanford, Florida.

5. During a speaking engagement at Morgan State University, Michelle Alexander described her disillusionment with legal responses to the problem of mass incarceration, which tend to capitulate to a politics of respectability. Alexander describes her experiences as a lawyer to illustrate her point. While she was working as a civil rights lawyer at the American Civil Liberties Union, a young black man brought a stack of papers to her after hearing about their campaign against racial profiling. The papers documented instances of police harassment in detail (including names, dates, badge numbers, and descriptions), but the ACLU refused to represent him because he had a drug felony, even though he claimed that the drugs were planted on him. Later, a scandal broke about the Oakland police planting drugs on people of color, including an officer he identified.

6. Frank Wilderson, "Gramsci's Black Marx," 225–40.

7. Frantz Fanon, *The Wretched of the Earth*, 30.

8. In *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*, Lisa Marie Cacho discusses how, in American law, radicalized subjects are deemed guilty of status crimes, defined as "specific activities that are only transparently recognized as 'criminal' when they are attached to statuses that invoke race (gang member), ethnicity ('illegal alien'), and/or national origin (suspected terrorist)" (43). Cacho argues that a politics of respectability cannot be responsive to groups deemed "ineligible for personhood" (6).

9. Hartman and Wilderson, "The Position of the Unthought."

10. For Gilmore, the carceral state works by "mov[ing] the line of what counts as criminal to encompass and engulf more and more people into the territory of prison eligibility." See Ruth Wilson Gilmore, "Race, Capitalist Crisis, and Abolitionist Organizing" in Loyd, Mitchelson, and Burridge, *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, 43.

11. Ibid.

12. In "Methodologies of Imprisonment," Avery F. Gordon writes that "most of what passes as critical discourse today cedes first and foremost to the legitimacy of criminalization, the rule of law, and the morality of innocence" (653). See "Methodologies of Imprisonment," *PMLA* 123, no. 3 (2008): 651–57.

13. H. Rap Brown, *Die, Nigger, Die!*, 121.

14. Loïc Wacquant, "Social Identity and the Ethics of Punishment," Center for Ethics in Society (Stanford University, 2007).

15. Ibid.

16. Loïc Wacquant, "Deadly Symbiosis," 118.

17. Ibid., 120.

18. See Cassandra Shaylor, " 'It's Like Living in a Black Hole.'"

19. "Fear and Loathing: Public Feelings in Antiprison Work," *WSQ: Women's Studies Quarterly* 39, no. 1: (2011): 270–90.

20. Quoted in "From Civility to Self-Defense: Modern Advice to Women on the Privileges and Dangers of Public Space," *WSQ: Women's Studies Quarterly* 39, no. 1 (2011): 86.

21. Mary Conroy, *The Rational Woman's Guide to Self-Defense*, 8.

22. Georgina Hickey, "From Civility to Self-Defense," 86.

23. Kristin Bumiller, *In an Abusive State*, xii.

24. Wacquant, 95–134.

25. Frantz Fanon, *Black Skin, White Masks*, 8.

26. Hartman and Wilderson, 189.

27. Zygmunt Bauman described the rioters as "defective and disqualified consumers." Žižek wrote that, "they were a manifestation of a consumerist desire violently enacted when unable to realise itself in the 'proper' way—by shopping. As such, they also contain a moment of genuine protest, in the form of an ironic response to consumerist ideology: 'You call on us to consume while simultaneously depriving us of the means to do it properly—so here we are doing it the only way we can!' The riots are a demonstration of the material force of ideology—so much, perhaps, for the 'post-ideological society.' From a revolutionary point of view, the problem with the riots is not the violence as such, but the fact that the violence is not truly self-assertive."

28. Gayatri Chakravorty Spivak and Harasym Sarah, *The Post-Colonial Critic*, 109.

29. Riots erupted in LA on April 29, 1992, after three white and one Hispanic LAPD officers were acquitted for beating Rodney King, a black man, following a high-speed chase.

30. Zoe Williams, "The UK Riots: The Psychology of Looting," *The Guardian*, August 9, 2011.

31. "London Rioters: 'Showing the Rich We Do What We Want,'" *BBC News*. August 9, 2011.

32. Biopolitics and necropolitics are not mutually exclusive. While the two forms of power coexist and constitute each other, necropolitics "regulates life through the perspective of death, therefore transforming life in a mere existence below every life minimum" (Marina Grzinic). Writing about Mbembe's conceptualization of necropower, Grzinic notes that necropower requires the "maximum destruction of persons and the creation of deathscapes that are unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead." Though Mbembe focuses primarily on Africa, other examples of these deathscapes may include prisons, New Orleans in the wake of Hurricane Katrina, Palestine, and so forth. See Mbembé, J-A., and Libby Meintjes. "Necropolitics," *Public Culture* 15 no. 1 (2003): 11–40.

33. Michel Foucault, *Discipline & Punish*, 301.

34. Joy James, *Resisting State Violence*, 34.

35. Maya Andrea Gonzalez, "Communization and the Abolition of Gender," 224.

36. Frank B. Wilderson, "The Prison Slave as Hegemony's (Silent) Scandal," 22.

37. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982).

38. This paradigmatic and decidedly pessimistic view of race has come under scrutiny recently, most notably in the book *Race Defaced*. Drawing on examples from the United States and Great Britain, *Race Defaced* systematically critiques both left and right "pessimist" race doctrines, which render the project of human emancipation impossible by asserting that racialized thinking is intrinsic to the modern

capitalist world order. According to Kyriakides and Torres, pessimistic race doctrines, such as doctrines that psychologize racism and naturalize hatred, are politically untenable. See *Race Defaced: Paradigms of Pessimism, Politics of Possibility* (Stanford: Stanford University Press, 2012).

39. This tactic is also used to silence and delegitimize other people, such as femmes who are too loud or queers who engage in illegal actions.

40. Edward Ericson, "Occupy Baltimore Makes Up a Movement as It Goes Along," *City Paper*, October 12, 2011.

41. In "Fear and Loathing" Jessi Lee Jackson and Erica R. Meiners offer the following definition of affect: "Affect is the body's response to the world—amorphous, outside conscious awareness, nondirectional, undefined, full of possibility. In this framing, affect is distinct from emotion, which is understood as the product of affect being marshaled into personal expressions of feeling, as shaped by social conventions." Affect is useful to think of the way "the criminal" and "the terrorist" become linked to certain racialized bodies, and how people viscerally respond to the presence of those bodies even when they consciously reject racism. See "Fear and Loathing," 272.

42. These comments were posted to the "Occupy Baltimore" article in the *City Paper*.

43. "No Safer Spaces 2011," *Politics—Cph Queerfestival*, 2011 http://www.queerfestival.org/politics.html.

44. Post-leftists, perhaps responding to the way we are fragmented and atomized under late capitalism, also adamantly reject a collectivist model of political mobilization. In "Communization and the Abolition of Gender," Maya Andrea Gonzalez advocates "inaugurating relations between individuals defined in their singularity." In "theses on the terrible community: 3. AFFECTIVITY," the idea that the human "community" is an aggregate of monad-like singularities is further elaborated: "The terrible community is a human agglomerate, not a group of comrades. The members of the terrible community encounter each other and aggregate together by accident more than by choice. *They do not accompany one another,* they do not know one another." To what extent does the idea that the singularist (read, individualist) or rhizomatic (non-)strategy is the only option reinforce liberal individualism? In *One Dimensional Woman*, Nina Power discusses how individual choice, flexibility, and freedom are used to atomize and pit workers against each other. While acknowledging the current dynamics of waged labor, she shows how using the "individual" as the primary political unit is unable to grapple with issues like the discrimination of pregnant women in the workplace. She asserts that thinking through the lens of the individual cannot resolve the exploitation of women's caring labor because the individualized nature of this form of labor is a barrier to undoing the burden placed on women, who are the primary bearers of child-care responsibilities. She also discusses how the transition from a feminism of liberation to a feminism of choice makes it so that "any general social responsibility for motherhood, or move towards the equal sharing of childcare responsibilities is immediately blocked off." See Gonzalez's "Communization and the Abolition of Gender" and Nina Power, *One Dimensional Woman*.

45. In *Black Is a Country*, Nikhil Pal Singh gives readers a "long view" of the Civil Rights Movement that focuses specifically on the creation of black radical counter-public spheres, which resist "institutionalized forms of national belonging" and eschew "the symbolic equality enshrined in citizenship" in favor of an emancipatory politics founded on "grassroots insurgency and global dreams" (220–21). In his discussion of the Black Power movement in the chapter "Decolonizing America," Singh asserts that the Panthers "were a threat to the state not simply because they were violent, but because they abused the state's own reality principle." (204) For Singh, the power of the Panthers' use

of violence was primarily rhetorical: it symbolically appropriated the state's monopoly on violence and revealed that violence is the state's "very condition of possibility."

46. Fanon, *The Wretched of the Earth*, 219.

47. Stokely Carmichael, *Stokely Speaks*, 170.

48. Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide*.

49. See *Critical Condition: Women on the Edge of Violence* (ed. Amy Scholder) (San Francisco: City Lights, 1993) and Elizabeth Sisco's essay "NHI—No Humans Involved," paper delivered at the symposium "Critical Condition—Women on the edge of violence," San Francisco Cameraworks, 1993.

50. The New Oxford American Dictionary gives a peculiar definition: "the crime, committed by a man, of forcing another person to have sexual intercourse with him without their consent and against their will, esp. by the threat or use of violence against them." To what extent does this definition normalize male violence by defining rape as inherently male?

51. To what extent is individuality a precondition for the capacity to say "no" and be heard? How is individuality itself racialized? Dwight A. McBride's work on slave testimony examines the "impossibility" of slaves "speak[ing] of the self solely as an individual." McBride goes on to assert that racialization functions similarly in our society: "This logic goes far toward explaining why white bodies can signify individuality and why black bodies—with their limited access to the category of the individual—almost always signify as representative bodies. Individual slave experiences of horror, torture, and scarred bodies are not in themselves meaningful." See *Impossible Witnesses: Truth, Abolitionism, and Slave Testimony* (New York: New York University Press, 2001), 10–11.

52. Smith, *Conquest*.

53. Kimberle Crenshaw, "Mapping the Margins," 1251.

54. Because the sexuality of white women derives its value from its ability to differentiate itself from "deviant" sexuality, such as the sexuality of women of color.

55. Crenshaw, "Mapping," 1266.

56. Early rape laws focused on the "property-like" aspects of women's sexuality that liberal feminists are today attempting to reclaim. Liberal feminists frame debates about women's health, abortion, and rape around a notion of *female bodies as property*. But using bodily self-ownership to make our claims is counterproductive because certain bodies are more valued than others. Liberal feminists also echo arguments for free markets when they demand that the State not intervene in affairs relating to our private property (our bodies), because as *owners* we should be free to do what we want with the things we own. In order to be owners of our bodies, we first have to turn our bodies into property—into a commodity—which is a conceptualization of our corporeality that makes our bodies subject to conquest and appropriation in the first place. Pro-choice discourse that focuses on the right for women to *do what they want with their property* substitutes a choice-oriented strategy founded on liberal individualism for a collectivist, liberationist one. (Foregrounding the question of choice in politics ignores the forced sterilization of women of color and the unequal access to medical resources between middle-class women and poor women.) While white men make their claims for recognition as *subjects*, women and people of color are required to make their claims as objects, as *property* (or, if they are to make their claims as subjects, they must translate themselves into a masculine white discourse). In the U.S., juridical recognition was initially extended only to white men and their property. These are the terms of recognition that operate today, which we must vehemently refuse. Liberal feminists try to write themselves in by framing themselves as both the property and the owners.

57. Maria Lewis in an interview with Amy Goodman, "Occupy Oakland: Over 400 Arrested as Police Fire Tear Gas, Flash Grenades at Protesters," *Democracy Now*, January 30, 2012.

58. In contemporary liberal discourse, property destruction is considered a form of violence.

59. Carmichael, *Stokely Speaks*, 168.

60. Spivak, *The Post-Colonial Critic*, 41.

7. The Prison Abolitionist Imagination

1. Philippe Pignarre and Isabelle Stengers, *Capitalist Sorcery*, 137.

2. Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation*, 154.

3. Jan Hoffman, "A New Vision for the Dreams of the Dying," *New York Times*, February 2, 2016.

4. Mahmoud Darwish, *In the Presence of Absence* (Brooklyn: Archipelago Books, 2011), EPUB e-book.

5. Luxemburg, Rosa. *The Letters of Rosa Luxemburg*. London; New York, Verso, 2011.

6. Édouard Glissant, *The Collected Poems of Édouard Glissant*, 181.

7. Heather Ann Thompson, *Blood in the Water*, 88.

8. *Nostalgia for the Light*, directed by Patricio Guzmán (2010; Brooklyn, New York: Icarus Films, 2011), DVD.

9. W. E. B. Du Bois, *Dusk of Dawn!: An Essay Toward an Autobiography of a Race Concept* (New York: Routledge, 2017), EPUB e-book.

10. Jean Genet, "After the Assassination," in *The Declared Enemy*, 17.

11. George Jackson, *Blood in My Eye*, 181.

12. Walidah Imarisha, Alexis Pauline Gumbs, Leah Lakshmi Piepzna-Samarasinha, Adrienne Maree Brown, and Mia Mingus, "The Fictions and Futures of Transformative Justice."

13. Heather Davis and Paige Sarlin, "On the Risk of a New Relationality."

14. Assata Shakur, *Assata: An Autobiography*, 260.

15. "The Fictions and Futures of Transformative Justice," *The New Inquiry*, April 20, 2017.

16. Angela Davis and Dylan Rodriguez, "The Challenge of Prison Abolition: A Conversation," *History Is a Weapon*, http://www.historyisaweapon.com/defcon1/davisinterview.html.

17. Sonia Sanchez, "5 Haiku for Sarah Vaughan," in *Morning Haiku*, 68.

18. Robin D. G. Kelley, *Freedom Dreams*, 196.

19. Ibid.

Selected Bibliography

Agamben, Giorgio. *Means without End: Notes on Politics*. Minneapolis: University of Minnesota Press, 2000.

Agamben, Giorgio, and Daniel Heller-Roazen. *Sovereign Power and Bare Life*. Stanford, CA: Stanford University Press, 1998.

"Alhambra Police Unveil Crime Crystal Ball." *SGV West Valley Journal*, March 1, 2013.

Andrejevic, Mark. *Infoglut: How Too Much Information Is Changing the Way We Think and Know*. New York: Routledge, 2013.

Angwin, Julia, and Jeff Larson. "Bias in Criminal Risk Scores Is Mathematically Inevitable, Researchers Say." *ProPublica*, December 30, 2016.

Bloom, Joshua, and Waldo E. Martin, Jr. *Black Against Empire: The History and Politics of the Black Panther Party*. Berkeley: University of California Press, 2013.

Bozelko, Chandra. "The Prison-Commercial Complex." *New York Times*, March 20, 2016.

Brown, H. Rap (Jamil Abdullah Al-Amin). *Die, Nigger, Die!: A Political Autobiography*. Chicago: Lawrence Hill Books, 2002.

Bumiller, Kristin. *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham, NC: Duke University Press, 2009.

Cacho, Lisa Marie. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press, 2012.

Campbell, Timothy C., and Adam Sitze. *Biopolitics: A Reader*. Chapel Hill, NC: Duke University Press, 2013.

Carmichael, Stokely. *Stokely Speaks: From Black Power to Pan-Africanism*. New York: Random House, 1971.

Chen, Chris. "The Limit Point of Capitalist Equality: Notes Toward an Abolitionist Antiracism." *Endnotes 3*. N.p., Sept. 2013.

Cole, David. "The Difference Prevention Makes: Regulating Preventive Justice." *Criminal Law and Philosophy* (2014): 1–19.

Conroy, Mary. *The Rational Woman's Guide to Self-Defense*. New York: Grosset & Dunlap, 1975.

Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43 no. 6 (1991): 1241–99.

Darwish, Mahmoud. *In the Presence of Absence*. Brooklyn: Archipelago Books, 2011). EPUB e-book.

Davis, Heather, and Paige Sarlin, "On the Risk of a New Relationality: An Interview with Lauren Berlant and Michael Hardt," *Reviews in Culture 2.3* (2012).

Dawson, Michael C., and Megan Ming Francis, "Black Politics and the Neoliberal Racial Order." *Public Culture* 28, no. 1 78 (January 2016).

———. "Hidden in Plain Sight: A Note on Legitimation Crises and the Racial Order." *Critical Historical Studies* 3, no. 1 (2016): 143–61.

Day, Iyko. "Being or Nothingness: Indigeneity, Antiblackness, and Settler Colonial Critique." *Critical Ethnic Studies* 1, no. 2 (2015). 102–21.

Doty, Robert. *Bloomberg Visual Guide to Municipal Bonds*. Hoboken, NJ: Wiley Publishing, 2012.

"Dr. George Mohler: Mathematician and Crime Fighter." *Data-Smart City Solutions*. May 8, 2013.

Du Bois, W. E. B. *Writings*. New York: Library of America, 1987.

———. *Dusk of Dawn!: An Essay Toward an Autobiography of a Race Concept*. New York: Routledge, 2017. EPUB e-book.

Ericson, Edward. "Occupy Baltimore Makes up a Movement as It Goes Along." *Citypaper*, October 12, 2011.

Esposito, Roberto. *Bíos: Biopolitics and Philosophy*. Minneapolis: University of Minnesota, 2008.

———. *Immunitas: The Protection and Negations of Life*. English ed. Cambridge, UK; Malden, MA: Polity, 2011.

———. *Terms of the Political: Community, Immunity, Biopolitics*. New York: Fordham University Press, 2013.

Fagan, Jeffery, et al. "Amici Curiae in Support of Petitioners," *Miller v. Alabama*, U.S., 132 S. Ct. 2455 (2012).

Fanon, Frantz. *Black Skin, White Masks*. New York: Grove Press, 1967.

———. *The Wretched of the Earth*. New York: Grove Press, 2004.

Foucault, Michel. "Society Must Be Defended": *Lectures at the Collège de France, 1975–1976*. New York: Picador, 1997.

———. *Discipline and Punish: The Birth of the Prison*. 2nd Vintage Books ed. New York: Vintage, 1995.

Freeman, Joshua. "If You Can Make It Here." *Jacobin Magazine*. N.p., 2014.

Genet, Jean. *The Declared Enemy: Texts and Interviews*, ed. Albert Dichy. Stanford, CA: Stanford University Press, 2004.

Gilmore, Ruth Wilson. "Race, Capitalist Crisis, and Abolitionist Organizing." *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*. Eds. Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge. Athens: University of Georgia, 2012. 42–54.

Glissant, Édouard. *The Collected Poems of Édouard Glissant*. Minneapolis: University of Minnesota Press, 2005.

Gonzalez, Maya Andrea. "Communization and the Abolition of Gender." *Communization and Its Discontents: Contestation, Critique, and Contemporary Struggles*. Ed. Benjamin Noys. New York: Minor

Compositions/Autonomedia, 2011.

Gordon, Avery F. "Methodologies of Imprisonment." *PMLA* 123 no. 3 (2008): 651–57.

Graeber, David. *Debt: The First 5,000 Years*. New York: Melville House, 2011.

Harcourt, Bernard E. *The Illusion of Free Markets: Punishment and the Myth of Natural Order*. Cambridge, MA: Harvard University Press, 2012.

Harney, Stefano, and Fred Moten. "Michael Brown." *Boundary 2* 42.4 (2015): 81–87.

Hartman, Saidiya V., and Frank B. Wilderson. "The Position of the Unthought." *Qui Parle* 13 no. 2 (2003): 183–201.

Harvey, David. "Neoliberalism and the City." *Studies in Social Justice* 1.1 (Winter 2007): 2–13.

———. *The New Imperialism*. Oxford, UK: Oxford University Press, 2013.

———. *Rebel Cities: From the Right to the City to the Urban Revolution*. New York: Verso, 2012.

Hickey, Georgina. "From Civility to Self-Defense: Modern Advice to Women on the Privileges and Dangers of Public Space." *WSQ: Women's Studies Quarterly* 39 no. 1 (2011): 77–94.

Hoff, Sam. "Professor Helps Develop Predictive Policing by Using Trends to Predict, Prevent Crimes." *Daily Bruin*, April 26, 2013.

Horowitz, Jake, "Making Every Encounter Count: Building Trust and Confidence in the Police," *NIJ Journal* 256 (2007): 8–11.

Imarisha, Walidah, Alexis Pauline Gumbs, Leah Lakshmi Piepzna-Samarasinha, Adrienne Maree Brown, and Mia Mingus. "The Fictions and Futures of Transformative Justice: A Conversation with the Authors of *Octavia's Brood*." *The New Inquiry*, April 20, 2017.

Jackson, George. *Blood in My Eye*. Baltimore: Black Classic Press, 1996.

Jackson, Jessi Lee, and Erica R. Meiners. "Fear and Loathing: Public Feelings in Antiprison Work." *WSQ: Women's Studies Quarterly* 39 no. 1 (2011): 270–90.

James, Joy. *Resisting State Violence: Radicalism, Gender, and Race in U.S. Culture*. Minneapolis: University of Minnesota, 1996.

———. ed. *Warfare in the American Homeland: Policing and Prison in a Penal Democracy*. Durham, NC: Duke University Press, 2007.

Johnson, Walter. "The Economics of Ferguson: Emerson Electric, Municipal Fines, Discriminatory Policing." *The Atlantic*. Atlantic Media Company, April 26, 2015.

Kaplan, Jerry. *Humans Need Not Apply*. New Haven, CT: Yale University Press, 2016.

Kelley, Robin D. G., and Fred Moten. "Do Black Lives Matter?: Robin D. G. Kelley and Fred Moten in Conversation," January 6, 2015, Vimeo, 1:25:36, posted by Critical Resistance, January 6, 2015, https://vimeo.com/116111740.

———. *Freedom Dreams: The Black Radical Imagination*. Boston: Beacon Press, 2002.

———. "What Did Cedric Robinson Mean by Racial Capitalism?" *Boston Review*, January 12, 2017.

Kirkpatrick, L. O. "The New Urban Fiscal Crisis: Finance, Democracy, and Municipal Debt." *Politics & Society* 44.1 (2016): 45–80.

LaCommare, Paul. "Generating New Revenue Streams," *Police Chief* 77 (2010): 22–30.

Lapavitsas, Costas. *Profiting Without Producing: How Finance Exploits Us All*. New York: Verso, 2014. EPUB e-book.

Lazzarato, Maurizio. *The Making of the Indebted Man: An Essay on the Neoliberal Condition*. Los Angeles: Semiotext(e), 2012.

Levy, Jonathan. *Freaks of Fortune: The Emerging World of Capitalism and Risk in America*. Cambridge, MA: Harvard University Press, 2012.

Lichtenstein, Alex. "Flocatex and the Fiscal Limits of Mass Incarceration: Toward a New Political Economy of the Postwar Carceral State." *Journal of American History* 102, no. 1 (2015): 113–25.

Luxemburg, Rosa. *The Complete Works of Rosa Luxemburg, Volume II*. London: Verso, 2013.

Lyndon B. Johnson: "Special Message to the Congress on Law Enforcement and the Administration of Justice." March 8, 1965. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=26800.

Maciag, Mike. "Skyrocketing Court Fines Are Major Revenue Generator for Ferguson." *Governing*, August 22, 2014.

Markusen, Ann R. "Class and Urban Social Expenditure: A Marxist Theory of Metropolitan Government," in Tabb, William K., and Larry Sawers. *Marxism and the Metropolis: New Perspectives in Urban Political Economy*. New York: Oxford University Press, 1978.

Marriott, David. *Haunted Life*. New Brunswick, NJ: Rutgers University Press, 2007.

Marx, Karl, and Friedrich Engels. *Capital; a Critique of Political Economy*. New York: International, 1967.

———. *The Marx-Engels Reader*. New York: Norton, 1978.

Mbembé, J-A., and Libby Meintjes. "Necropolitics." *Public Culture* 15 no. 1 (2003): 11–40.

McBride, Dwight A. *Impossible Witnesses: Truth, Abolitionism, and Slave Testimony*. New York: New York University Press, 2001.

McCue, Colleen. "Connecting the Dots: Data Mining and Predictive Analytics in Law Enforcement and Intelligence Analysis." *Police Chief*, no. 10 (2003): 115.

———. *Data Mining and Predictive Analysis*. New York: Butterworth-Heinemann, 2006.

Mohler, G. O. "Self-Exciting Point Process Modeling of Crime." *Journal of the American Statistical Association*, no. 493 (2011): 100–8.

Morozov, Evgeny. "A Critique of Algorithmic Regulation," *The Observer*, July 20, 2014.

Moten, Fred. "Blackness and Nothingness (Mysticism in the Flesh)." *South Atlantic Quarterly* 112 no. 4 (2013): 737–80.

———. "The Case of Blackness." *Criticism* 50 no. 2 (2009): 177–218.

Moya, Elena. "$2tn Debt Crisis Threatens to Bring down 100 U.S. Cities." *The Guardian*, December 20, 2010.

Muhammad, Khalil Gibran. *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*. Cambridge, MA: Harvard University Press, 2010.

Munchau, Wolfgang. “Politicians and Investors Adapt to the Age of Radical Uncertainty.” *Financial Times*, June 18, 2017.

Murray, Nancy. “Profiling in the Age of Total Information Awareness.” *Race & Class*, no. 2 (2010): 3–24.

Newton, Huey P. *The Huey P. Newton Reader*. New York: Seven Stories Press, 2011.

“Norcross Police Roll Out Crime Predicting Technology.” YouTube video, 5:17. Posted by PredPol, November 14, 2014. https://www.youtube.com/watch?v=xJzz_NmzkeE.

Nostalgia for the Light. Directed by Patricio Guzmán. 2010. Brooklyn, New York: Icarus Films, 2011. DVD.

O’Neill, Cathy. *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*. New York: Broadway Books, 2016.

Patterson, Orlando. *Slavery and Social Death: Comparative Study*. Cambridg, MA: Harvard University Press, 1982.

Pew Research Center, December, 2016, “Low Approval of Trump’s Transition but Outlook for His Presidency Improves.” http://assets.pewresearch.org/wp-content/uploads/sites/5/2016/12/08135748/12-08-16-December-political-release.pdf.

Pignarre, Philippe, and Isabelle Stengers, *Capitalist Sorcery: Breaking the Spell*. Houndmills, UK; New York: Palgrave Macmillan, 2011.

Platt, Eric. “US Muni Bonds Unlikely Home for the Huddled Masses” *Financial Times*, May 12, 2016.

PoliceActivity. “Police Dashcam Footage of Philando Castile Fatal Shooting.” YouTube. June 20, 2017. https://www.youtube.com/watch?v=PMKcWz5nNoM.

“Policing and Profit.” *Harvard Law Review* 128.6 (2015): 1723–46.

Power, Nina. *One Dimensional Woman*. Winchester, UK; Washington, DC: Zero Books, 2009.

The Prison in Twelve Landscapes. Directed by Brett Story. 2016.

Rancière, Jacques. *The Politics of Aesthetics: The Distribution of the Sensible*. London: Bloomsbury Academic, 2016.

Sances, Michael W., and Hye Young You. “Who Pays for Government? Descriptive Representation and Exploitative Revenue Sources.” *The Journal of Politics* 79, no. 3 (2017): 1090–94.

Sanchez, Sonia. *Morning Haiku*. Boston: Beacon Press, 2010.

Scholder, Amy (ed). *Critical Condition: Women on the Edge of Violence*. San Francisco: City Lights Books, 1993.

Shakur, Assata. *Assata: An Autobiography*. London: Zed Books, 2016. EPUB e-book.

Shaylor, Cassandra. “ ‘It’s Like Living in a Black Hole’: Women of Color and Solitary Confinement in the Prison Industrial Complex.” *New England Journal on Criminal and Civil Confinement* 24 no. 2 (1998).

Singh, Nikhil Pal. *Black Is a Country: Race and the Unfinished Struggle for Democracy*. Cambridge: Harvard University Press, 2004.

Smith, Andrea. *Conquest: Sexual Violence and American Indian Genocide*. Cambridge, MA: South End Press, 2005.

Smith, Susan. "The Growth of Predictive Analytics in Law Enforcement." *Law Officer*, March 25, 2014.

Spivak, Gayatri Chakravorty, and Harasym Sarah. *The Post-Colonial Critic: Interviews, Strategies, Dialogues*. New York: Routledge, 1990.

Stillman, Sarah. "The Economics of Police Militarism." *New Yorker*. N.p., August 15, 2014.

Streeck, Wolfgang. *Buying Time: The Delayed Crisis of Democratic Capitalism*. New York: Verso, 2017.

Talai, Andrew B. "Drones and Jones: The Fourth Amendment and Police Discretion in the Digital Age." *California Law Review* 102 (2014): 729.

Taylor, Keeanga-Yamahtta. *From #BlackLivesMatter to Black Liberation*. Chicago: Haymarket Books, 2016).

Thompson, Heather Ann. *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*. New York: Vintage Books, 2017.

Tiqqun, "The Cybernetic Hypothesis (*L'Hypothèse cybernétique*)," *Tiqqun 2*, 2001.

Torres, Rodolfo, and Christopher Kyriakides. *Race Defaced: Paradigms of Pessimism, Politics of Possibility*. Stanford, CA: Stanford University Press, 2012.

Turbeville, Wallace C. "The Detroit Bankruptcy." *Demos Report* 20 (2013).

United States. Dept. of Justice, Civil Rights Division. *Investigation of the Ferguson Police Department*. Washington: 2015. United States Department of Justice. March 4, 2015.

U.S. Department of Education. *Policy and Program Studies Service. State and Local Expenditures on Corrections and Education*. 2016.

Vlahos, James. "The Department of Pre-Crime." *Scientific American*, no. 1 (2011): 62–67.

Wacquant, Loïc. "Social Identity and the Ethics of Punishment." Conference Presentation at the Center for Ethics in Society, Stanford University, 2007.

———. "Deadly Symbiosis When Ghetto and Prison Meet and Mesh." *Punishment & Society* 3 no. 1 (2001): 95–133.

Wagner, Peter, and Brigette Sarabi. *The Prison Index: Taking the Pulse of the Crime Control Industry*. Springfield, MA: Prison Policy Initiative, 2003.

War Comes Home at America's Expense: The Excessive Militarization of American Policing. New York: American Civil Liberties Union, 2014.

Weisburd, David, and Peter Neyroud. *Police Science: Toward a New Paradigm*. Cambridge, MA; Washington, DC: Harvard Kennedy School Program in Criminal Justice Policy and Management; National Institute of Justice, 2011.

Welsh, Brandon. "Technological Innovations in Crime Prevention and Policing. A Review of the Research on Implementation and Impact." *Criminology & Public Policy*, no. 1 (2002): 129–32.

Wilderson, Frank B. "Gramsci's Black Marx: Whither the Slave in Civil Society?" *Social Identities* 9 no. 2 (2003): 225–40.

———. "The Prison Slave as Hegemony's (Silent) Scandal." *Social Justice: A Journal of Crime, Conflict & World Order* 30 no. 2 (2003): 18–28.

Wolpert, Stuart. "Can Math and Science Help Solve Crimes?" *US News*, March 2, 2010.

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*

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Until next time …

—Jackie Wang

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